

**EXHIBIT 1**

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JORDAN LIPPNER  
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK  
-----X  
AUSTIN FENNER and IKIMULISA LIVINGSTON,  
  
Plaintiffs,  
-against-  
09 CIV 9832 (BSJ) (RLE)  
  
NEWS CORPORATION, NYP HOLDINGS, INC., d/b/a  
THE NEW YORK POST and DAN GREENFIELD and  
MICHELLE GOTTHELF,  
  
Defendants.  
-----X  
SANDRA GUZMAN,  
  
Plaintiff,  
vs. 09 CIV 9323 (BSJ) (RLE)  
NEWS CORPORATION, NYP HOLDINGS, INC., d/b/a  
THE NEW YORK POST, and COL ALLAN, in his  
official and individual capacities,  
  
Defendants.  
-----X  
  
VIDEOTAPED DEPOSITION OF JORDAN LIPPNER  
New York, New York  
Wednesday, February 29, 2012  
  
REPORTED BY: BARBARA R. ZELTMAN  
(BOBBIE)  
Professional Stenographic Reporter  
  
Job Number: 46779

Page 18

1 JORDAN LIPPNER  
 2 Q As you sit here now, you can't  
 3 recall any other documents that they showed  
 4 you beyond the ones that we produced this  
 5 week?  
 6 A No.  
 7 Q Did you do anything else to prepare  
 8 for your deposition today?  
 9 A No.  
 10 Q Are you employed by News Corp.?  
 11 A No.  
 12 Q Who is your employer?  
 13 A News America Incorporated.  
 14 Q What's the difference between News  
 15 America Incorporated and News Corp.?  
 16 MR. LERNER: Objection.  
 17 A They're two different corporations.  
 18 Q Well, describe what is News  
 19 Corporation.  
 20 MR. LERNER: Objection.  
 21 A I don't understand the question.  
 22 Q Okay.  
 23 There is a company called News  
 24 Corporation, correct?  
 25 A Agreed.

Page 20

1 JORDAN LIPPNER  
 2 Q Now, what is News America  
 3 Incorporated?  
 4 A It is a --  
 5 MR. LERNER: Objection.  
 6 You've asked in your 30(b)(6)  
 7 Deposition Notice, Mr. Thompson, to  
 8 explain how the operations of the  
 9 defendants are interrelated, how labor  
 10 relations are managed at the defendants,  
 11 common management of the defendants, and  
 12 common ownership and control of the  
 13 defendants. The defendants are News  
 14 Corporation and NYP Holdings.  
 15 That's what Mr. Lippner is here to  
 16 testify about.  
 17 Those are the entities which you've  
 18 directed the witness to be prepared to  
 19 speak about and that is what he's  
 20 prepared to speak about.  
 21 MR. THOMPSON: Mr. Lerner,  
 22 we'll just bring him back.  
 23 Are you instructing him not to  
 24 answer this question?  
 25 MR. LERNER: Yes.

Page 19

1 JORDAN LIPPNER  
 2 Q Describe that company, Mr. Lippner.  
 3 MR. LERNER: Objection.  
 4 A It's a company that -- it's a  
 5 multi -- it's a company that owns various  
 6 media entities throughout the world in the  
 7 newspaper industry, television, movies,  
 8 in-store advertising, various online visual  
 9 properties.  
 10 I think worldwide News Corp. has  
 11 about 50-, 60,000 employees among all the  
 12 different subsidiaries that it owns. It's  
 13 headquartered in New York. It's a Delaware  
 14 corporation.  
 15 I don't know how else to answer  
 16 your question.  
 17 Q Is there a chairman of News  
 18 Corporation?  
 19 A Yes.  
 20 Q Who is that?  
 21 A Chairman of the Board of News  
 22 Corporation is K. Rupert Murdoch.  
 23 Q So there is a board of directors at  
 24 News Corporation?  
 25 A That is correct.

Page 21

1 JORDAN LIPPNER  
 2 (Directive to witness.)  
 3 MR. THOMPSON: Okay.  
 4 BY MR. THOMPSON:  
 5 Q Mr. Lippner, are you going to  
 6 answer my last question?  
 7 A I'm following my attorney's advice.  
 8 MR. THOMPSON: Will you please  
 9 mark that again for another ruling.  
 10 BY MR. THOMPSON:  
 11 Q How long have you worked for News  
 12 America Incorporated?  
 13 A Ten years.  
 14 Q What is your title?  
 15 A Senior vice president, deputy  
 16 general counsel.  
 17 Q Now you are appearing here as a  
 18 30(b)(6) witness, correct?  
 19 A That's correct.  
 20 Q And you also appeared at every  
 21 other deposition in this case, correct?  
 22 A I've been present, yes.  
 23 Q And you've also represented a  
 24 witness who was deposed in this case -- in  
 25 Ms. Guzman's case, correct?

<p style="text-align: right;">Page 42</p> <p>1 JORDAN LIPPNER</p> <p>2 to Mr. Lippner while this question is</p> <p>3 pending, whispering in his ear while</p> <p>4 this question is pending, which is</p> <p>5 improper.</p> <p>6 MR. LERNER: The record can so</p> <p>7 reflect.</p> <p>8 MR. THOMPSON: The record will</p> <p>9 not only reflect, the video will</p> <p>10 reflect that while a question is</p> <p>11 pending, you leaned over and</p> <p>12 whispered something in his ear, which</p> <p>13 was improper.</p> <p>14 Please conduct yourself</p> <p>15 professionally here.</p> <p>16 MR. LERNER: Mr. Thompson,</p> <p>17 we're trying to proceed with the</p> <p>18 deposition without further</p> <p>19 interruption.</p> <p>20 (Requested portion of record read:</p> <p>21 "Q. So my question to you is</p> <p>22 different. I will ask it to you this</p> <p>23 way: Were you serving as in-house</p> <p>24 counsel for NYP Holdings at Sandra</p> <p>25 Guzman's deposition on October 13,</p>	<p style="text-align: right;">Page 43</p> <p>1 JORDAN LIPPNER</p> <p>2 2011?")</p> <p>3 (End of read-back.)</p> <p>4 A No.</p> <p>5 Q What capacity were you serving that</p> <p>6 day?</p> <p>7 A Deputy general counsel for News</p> <p>8 America Incorporated.</p> <p>9 Q What role does News America</p> <p>10 Incorporated have with The New York Post?</p> <p>11 A News America Incorporated is the</p> <p>12 parent company of NYP Holdings which is the</p> <p>13 company that owns and publishes The Post.</p> <p>14 Q And both News America Incorporated</p> <p>15 and The New York Post are subsidiaries of</p> <p>16 News Corporation, correct?</p> <p>17 A They are indirect subsidiaries.</p> <p>18 Q What do you mean "indirect</p> <p>19 "subsidiaries"?</p> <p>20 A They are not directly owned by News</p> <p>21 Corporation.</p> <p>22 Q How do you know that?</p> <p>23 A Because I'm familiar with the</p> <p>24 corporate structure.</p> <p>25 Q Well, who actually owns The New</p>
<p style="text-align: right;">Page 44</p> <p>1 JORDAN LIPPNER</p> <p>2 York Post?</p> <p>3 A I just told you who does.</p> <p>4 Q Okay.</p> <p>5 Who owns News America Incorporated?</p> <p>6 A News Publishing Australia Holdings</p> <p>7 Limited.</p> <p>8 Q Isn't it fair to say, Mr. Lippner,</p> <p>9 that Rupert Murdoch owns News Corporation,</p> <p>10 News America Incorporated, and The New York</p> <p>11 Post?</p> <p>12 MR. LERNER: Objection.</p> <p>13 A No.</p> <p>14 Q Is it your testimony that Rupert</p> <p>15 Murdoch does not own The New York Post?</p> <p>16 MR. LERNER: Objection.</p> <p>17 A Correct.</p> <p>18 Q Now, do you know how many employees</p> <p>19 work at The New York Post?</p> <p>20 A Hundreds.</p> <p>21 Q How many?</p> <p>22 A I don't know for sure.</p> <p>23 Q Mr. Lippner, you are testifying</p> <p>24 today as the 30(b)(6) witness for The New</p> <p>25 York Post.</p>	<p style="text-align: right;">Page 45</p> <p>1 JORDAN LIPPNER</p> <p>2 Is it your testimony that you</p> <p>3 have -- you do not know how many employees</p> <p>4 work for The Post?</p> <p>5 A That's exactly what I just said,</p> <p>6 Mr. Thompson.</p> <p>7 MR. LERNER: And he answered</p> <p>8 you with a rough number.</p> <p>9 Q Mr. Lippner, how is it possible</p> <p>10 that you came here today as 30(b)(6) witness</p> <p>11 for News Corporation but yet you don't know</p> <p>12 how many employees work for News</p> <p>13 Corporation? And yet you came here also as</p> <p>14 a 30(b)(6) witness for New York Post and you</p> <p>15 don't know how many employees work for</p> <p>16 The New York Post?</p> <p>17 MR. LERNER: Objection.</p> <p>18 A Mr. Thompson, you served a 30(b)(6)</p> <p>19 Notice. You wrote the 30(b)(6) Notice in</p> <p>20 the manner that you did. Nowhere in the</p> <p>21 30(b)(6) Notice that you personally wrote</p> <p>22 does it say anywhere that the 30(b)(6)</p> <p>23 witness is supposed to be prepared to</p> <p>24 testify exactly how many employees each</p> <p>25 corporate defendant employs.</p>

Page 46	Page 47
<p>1 JORDAN LIPPNER</p> <p>2 That's my answer.</p> <p>3 Q How many employees work at News</p> <p>4 America Incorporated?</p> <p>5 A I don't know.</p> <p>6 Q You don't even know how many</p> <p>7 employees work at the company that employs</p> <p>8 you?</p> <p>9 MR. LERNER: Objection.</p> <p>10 Mr. Thompson, again, you have not</p> <p>11 asked him to come and testify as a</p> <p>12 30(b)(6) witness on the number of</p> <p>13 employees of these companies.</p> <p>14 If you had wanted him to prepare to</p> <p>15 tell you how many employees certain</p> <p>16 companies have, your Notice could have</p> <p>17 said that.</p> <p>18 You could ask him hundreds of</p> <p>19 questions about the characteristics of</p> <p>20 each of these companies that are not</p> <p>21 listed in the 30(b)(6) Deposition Notice.</p> <p>22 He is not clairvoyant and neither</p> <p>23 am I. We do not know in advance, we did</p> <p>24 not have your list of questions that your</p> <p>25 were going to ask at this deposition.</p>	<p>1 JORDAN LIPPNER</p> <p>2 What we have is your 30(b)(6) Notice.</p> <p>3 That specifies what Mr. Lippner</p> <p>4 prepared for and that specifies what he</p> <p>5 will testify to today.</p> <p>6 MR. THOMPSON: Mr. Lerner, I</p> <p>7 state again you are unduly</p> <p>8 restricting the scope of the 30(b)(6)</p> <p>9 Deposition Notice.</p> <p>10 We will take it up with the Court.</p> <p>11 BY MR. THOMPSON:</p> <p>12 Q Mr. Lippner, I want you to identify</p> <p>13 the subsidiaries of News Corporation.</p> <p>14 A I couldn't possibly identify all of</p> <p>15 them.</p> <p>16 Q Identify as many as you can.</p> <p>17 A News Publishing Australia Holdings,</p> <p>18 News America Incorporated, NYP Holdings,</p> <p>19 News Marketing America, HarperCollins</p> <p>20 Publishers, FOX Television Stations.</p> <p>21 There are hundreds and hundreds of</p> <p>22 subsidiaries.</p> <p>23 Q Where are the corporate</p> <p>24 headquarters of News Corp. located?</p> <p>25 A In Manhattan, 1211 Avenue of the</p>
Page 48	Page 49
<p>1 JORDAN LIPPNER</p> <p>2 Americas.</p> <p>3 Q Where are the corporate and</p> <p>4 editorial offices of The New York Post</p> <p>5 located?</p> <p>6 A The editorial offices of The New</p> <p>7 York Post are located on the tenth floor and</p> <p>8 a little bit of the ninth floor of that</p> <p>9 address.</p> <p>10 The corporate offices, I'm not sure</p> <p>11 what you mean by the "corporate offices of</p> <p>12 The New York Post."</p> <p>13 Q Where are the business offices of</p> <p>14 The New York Post located?</p> <p>15 A Business offices of The New York</p> <p>16 Post are now located at 1185 Avenue of the</p> <p>17 Americas.</p> <p>18 Q How long had the business offices</p> <p>19 of The New York Post been located at</p> <p>20 1185 Avenue of the Americas?</p> <p>21 A I think around a year. About a</p> <p>22 year.</p> <p>23 Q About a year.</p> <p>24 Before the business offices of</p> <p>25 The New York Post were located at</p>	<p>1 JORDAN LIPPNER</p> <p>2 1185 Avenue of the Americas, where were they</p> <p>3 located?</p> <p>4 A They were located in a couple of</p> <p>5 spots.</p> <p>6 Some part of the ninth floor.</p> <p>7 Q At 1211 Avenue of the Americas?</p> <p>8 A Correct. And some part of the</p> <p>9 15th floor of that same building.</p> <p>10 Q Okay.</p> <p>11 So is it fair to say that -- strike</p> <p>12 that.</p> <p>13 How long were the business offices</p> <p>14 of The New York Post located at 1211 Avenue</p> <p>15 of the Americas?</p> <p>16 MR. LERNER: Objection.</p> <p>17 If you know.</p> <p>18 A There was a time when they were</p> <p>19 located down on South Street. I don't</p> <p>20 believe that they've been located down on</p> <p>21 South Street since the early '90s.</p> <p>22 Q So is it fair to say that as far as</p> <p>23 you know, the business offices of The New</p> <p>24 York Post have been located at 1211 Avenue</p> <p>25 of the Americas since the early '90s?</p>

Page 50

JORDAN LIPPNER

A I can certainly say that since the entire time that Ms. Guzman has -- was employed by The Post, they were located on the ninth floor at The Post.

Q What about since the entire time that Ms. Livingston has been employed?

A I don't recall when Ms. Livingston began her employment. But I think to use your word, it's probably a fair statement to say that certainly the overwhelming majority of the time Ms. Livingston was employed, the business offices were located at 1211 Avenue of the Americas.

Q So is it fair to say that during Ms. Guzman's employment, News Corp. and The New York Post shared office space at 1211 Avenue of the Americas?

MR. LERNER: Objection.

A No.

Q Is it fair to say that during Ms. Guzman's employment, News Corp. and The New York Post had office space in 1211 Avenue of the Americas?

MR. LERNER: Objection.

Page 51

JORDAN LIPPNER

A News Corp. and The New York Post each had their own offices at 1211 Avenue of the Americas during Ms. Guzman's employment.

Q During Ms. Guzman's employment, what floors did News Corp. occupy at 1211 Avenue of the Americas?

And just for the record, Ms. Guzman worked at the company from 2003 to almost the end of 2009.

A Right.

The eighth floor was occupied by News Corp.

Q What offices did News Corp. have on the eighth floor at 1211 Avenue of the Americas during that time?

A That's where the senior executives are housed.

Q Was Rupert Murdoch's office located on the eighth floor during that time frame?

A It was.

Q Is it still located on that floor?

A It is.

Q What other executives of News Corp. had offices on the eighth floor at

Page 52

JORDAN LIPPNER

1211 Avenue of the Americas during Ms. Guzman's employment?

A The chief financial officer.

Q Who was that?

A David Devoe. D-E-V-O-E.

The deputy chief financial officer.

Q Who was that?

A John Nallen, N-A-L-L-E-N.

The group general counsel.

Q Who was that during Ms. Guzman's employment?

A During her employment there were two group general counsels.

The first was Arthur Siskind. And he was succeeded by Lawrence Jacobs.

Q Who is the current group general counsel for News Corp.?

A A gentleman by the name of Gerson Zweifach, Z-W-E-I-F-A-C-H.

Q When did he become the general counsel of News Corp.?

A About three/four weeks ago.

Q And before he became general

counsel, was Lawrence Jacobs the general

Page 53

JORDAN LIPPNER

counsel for News Corp.?

A There was an interim acting general counsel.

Q Who was that?

A Janet Nova.

Q Do you know if the current general counsel of News Corp. also has an office on the eighth floor at 1211 Avenue of the Americas?

A I do.

Q Are there any other officers or executives who occupy offices on the eighth floor of 1211 Avenue of the Americas who work for News Corp.?

A Yes.

Q Who else?

A Joel Klein.

Q What position does Joel Klein have with News Corp.?

A He heads the company's education division.

He's also, I believe he's a member of the Office of the Chairman.

Q Do you know if anyone else has an



<p style="text-align: right;">Page 54</p> <p>1 JORDAN LIPPNER</p> <p>2 office on the eighth floor of 1211 Avenue of</p> <p>3 the Americas who works for News Corp.?</p> <p>4 A Are we talking presently?</p> <p>5 Q Yeah. Tell me presently.</p> <p>6 A I believe Jeff Mook.</p> <p>7 Q Who is Jeff Mook?</p> <p>8 A He is head of human resources for</p> <p>9 News Corporation.</p> <p>10 Q Was the head of human resources for</p> <p>11 News Corp. also located on the eighth floor</p> <p>12 when Sandra Guzman was employed?</p> <p>13 A Correct.</p> <p>14 Q And who was that at the time?</p> <p>15 A There were a couple of different</p> <p>16 people.</p> <p>17 The first was Ian Moore and the</p> <p>18 second was a woman named Beryl, B-E-R-Y-L,</p> <p>19 Cook.</p> <p>20 Q Do you know if any other News Corp.</p> <p>21 executives occupied office on the eighth</p> <p>22 floor at 1211 Avenue of the Americas?</p> <p>23 A There may be a few others, but</p> <p>24 those are the ones that come to mind.</p> <p>25 Q What about during Ms. Guzman's</p>	<p style="text-align: right;">Page 55</p> <p>1 JORDAN LIPPNER</p> <p>2 employment, can you think of anyone else?</p> <p>3 A At the --</p> <p>4 MR. LERNER: Objection. These</p> <p>5 are the people that presently occupy</p> <p>6 that space. So when you say can you</p> <p>7 think of anyone else --</p> <p>8 MR. THOMPSON: I just said</p> <p>9 during Ms. Guzman's employment.</p> <p>10 MR. LERNER: Understood. But</p> <p>11 when you said can you think of anyone</p> <p>12 else, to me the question supposes</p> <p>13 that these people occupied that space</p> <p>14 during Ms. Guzman's employment which</p> <p>15 is not his testimony.</p> <p>16 MR. THOMPSON: Then I'll make</p> <p>17 it crystal clear.</p> <p>18 Q Can you think of any other News</p> <p>19 Corp. executive that occupied the eighth</p> <p>20 floor during Ms. Guzman's employment?</p> <p>21 A While Ms. Guzman was employed,</p> <p>22 Mr. Murdoch, Mr. Nallen, Mr. Devoe,</p> <p>23 Mr. Siskind, Mr. Jacobs, Mr. Moore, Ms. Cook</p> <p>24 had office space up there.</p> <p>25 There were others such as -- there</p>
<p style="text-align: right;">Page 56</p> <p>1 JORDAN LIPPNER</p> <p>2 was a gentleman by the name of Andrew</p> <p>3 Butcher.</p> <p>4 Q Who was Andrew Butcher?</p> <p>5 A He was head of our communications</p> <p>6 department at one point.</p> <p>7 There was a gentleman by the name</p> <p>8 of Gary Ginsburg. He was also in</p> <p>9 communications.</p> <p>10 A woman by the name of Rachel</p> <p>11 Webber.</p> <p>12 Gentleman by the name of Leon</p> <p>13 Hertz.</p> <p>14 Those are all the names that I</p> <p>15 think of.</p> <p>16 MR. THOMPSON: Can you go back</p> <p>17 to his statements just now.</p> <p>18 Q You testified, Mr. Lippner, when I</p> <p>19 asked you who Andrew Butcher was, you said</p> <p>20 he was head of our communications department</p> <p>21 at one point.</p> <p>22 What do you mean by "head of our</p> <p>23 communications department at one point"?</p> <p>24 A I mean he was head of News</p> <p>25 Corporation.</p>	<p style="text-align: right;">Page 57</p> <p>1 JORDAN LIPPNER</p> <p>2 I thought that that was what we</p> <p>3 were talking about, who were the News</p> <p>4 Corporation employees on the eighth floor.</p> <p>5 Q So when you say "our," do you</p> <p>6 consider yourself to be part of News</p> <p>7 Corporation?</p> <p>8 A In a global sense.</p> <p>9 Q What do you mean by "in a global</p> <p>10 sense"?</p> <p>11 A Well, I work for a company that's</p> <p>12 owned by News Corporation.</p> <p>13 Q But do you believe you work for</p> <p>14 News Corporation?</p> <p>15 A No.</p> <p>16 Q Now, during Ms. Guzman's employment</p> <p>17 from 2003 to 2009, did News Corporation</p> <p>18 occupy any of the floors at 1211 Avenue of</p> <p>19 the Americas, that you know of?</p> <p>20 A There were News Corp. employees on</p> <p>21 the fourth floor and there were News Corp.</p> <p>22 employees at some point on the seventh</p> <p>23 floor.</p> <p>24 That's it.</p> <p>25 Q Identify the News Corp. employees</p>

<p style="text-align: right;">Page 70</p> <p>1 JORDAN LIPPNER</p> <p>2 scope of the 30(b)(6) Deposition</p> <p>3 Notice.</p> <p>4 MR. THOMPSON: It's not. It's</p> <p>5 not, Mr. Lerner. If you instruct him</p> <p>6 not to answer, that's your right but</p> <p>7 it's not.</p> <p>8 MR. LERNER: He's already told</p> <p>9 you he can't answer.</p> <p>10 Q Well, my question is why can't you</p> <p>11 answer?</p> <p>12 MR. LERNER: Hold on. Since</p> <p>13 it's not part of the 30(b)(6)</p> <p>14 Deposition Notice --</p> <p>15 MR. THOMPSON: It is.</p> <p>16 MR. LERNER: -- he's not</p> <p>17 prepared to answer the names of</p> <p>18 employees of News America Marketing</p> <p>19 which is not a defendant in the case.</p> <p>20 The 30(b)(6) Deposition Notice asks</p> <p>21 questions about the defendants in the</p> <p>22 case.</p> <p>23 MR. THOMPSON: Well,</p> <p>24 Mr. Lerner, what you fail to</p> <p>25 understand is that News Corporation,</p>	<p style="text-align: right;">Page 71</p> <p>1 JORDAN LIPPNER</p> <p>2 based on his testimony and the</p> <p>3 testimony of Col Allan, is one</p> <p>4 company that has different division.</p> <p>5 You can call them subsidiaries. It's</p> <p>6 clearly one company that's</p> <p>7 interrelated.</p> <p>8 BY MR. THOMPSON:</p> <p>9 Q My question, sir, is why can't you</p> <p>10 tell me us the identities of those News</p> <p>11 America Marketing employees?</p> <p>12 A There's a few reasons.</p> <p>13 Q Okay. Tell us.</p> <p>14 A There's never been a point in my</p> <p>15 life where I've learned the identity of all</p> <p>16 the employees for News America Marketing.</p> <p>17 Q I'm not asking you to identify all</p> <p>18 of them. Identify some.</p> <p>19 MR. LERNER: Hold on. I don't</p> <p>20 think he was finished with the answer</p> <p>21 to the question that you asked him,</p> <p>22 which is why can't he name all the</p> <p>23 people from News America Marketing</p> <p>24 that occupied the fifth floor of</p> <p>25 1211 Avenue of the Americas at a time</p>
<p style="text-align: right;">Page 72</p> <p>1 JORDAN LIPPNER</p> <p>2 before Paul Carlucci became publisher</p> <p>3 of The Post.</p> <p>4 A It's also not information that was</p> <p>5 covered by the 30(b)(6) Notice, so I did not</p> <p>6 prepare to be able to testify as to who did</p> <p>7 or did not work for News America Marketing</p> <p>8 in 2003, for example.</p> <p>9 Q Well, do you know who Les Goodstein</p> <p>10 is?</p> <p>11 A I do.</p> <p>12 Q Who is he?</p> <p>13 A He is an employee of News America</p> <p>14 Incorporated.</p> <p>15 Q How long has he been an employee of</p> <p>16 News America Incorporated?</p> <p>17 A I think he joined us around 2006.</p> <p>18 Q And what position did he join the</p> <p>19 company as?</p> <p>20 A He joined us I think in a marketing</p> <p>21 capacity and also to work on the small</p> <p>22 community newspapers that the company had</p> <p>23 acquired or was intending to acquire.</p> <p>24 Q What company acquired the community</p> <p>25 newspapers?</p>	<p style="text-align: right;">Page 73</p> <p>1 JORDAN LIPPNER</p> <p>2 A News America Incorporated.</p> <p>3 Q Do you know the specific title</p> <p>4 Mr. Goodstein assumed when he joined News</p> <p>5 America Incorporated?</p> <p>6 A I did at one point. I don't know</p> <p>7 his specific title today.</p> <p>8 Q Is Mr. Goodstein still an employee</p> <p>9 of News America Incorporated?</p> <p>10 A Yes.</p> <p>11 Q Has he ever worked for News</p> <p>12 Corporation?</p> <p>13 A No.</p> <p>14 Q When Ms. Guzman worked at the</p> <p>15 company, was there like an employee</p> <p>16 cafeteria at 1211 Avenue of the Americas?</p> <p>17 A Yes.</p> <p>18 Q What floor was that cafeteria</p> <p>19 located on?</p> <p>20 A The third floor.</p> <p>21 Q Who occupied the third floor in</p> <p>22 terms of companies?</p> <p>23 MR. LERNER: Objection.</p> <p>24 A Nobody occupies the third floor.</p> <p>25 Q Well, do you know if the third</p>



<p style="text-align: right;">Page 78</p> <p>1 JORDAN LIPPNER</p> <p>2 A My understanding is that the</p> <p>3 conference rooms were available for use by</p> <p>4 any employees of any subsidiary of News</p> <p>5 Corporation.</p> <p>6 So News America Marketing</p> <p>7 employees, HarperCollins employees, FOX</p> <p>8 television employees, New York Post</p> <p>9 employees.</p> <p>10 You just had to sign up and request</p> <p>11 them.</p> <p>12 Q Now, when Ms. Guzman worked at the</p> <p>13 company -- and she worked at 1211 Avenue of</p> <p>14 the Americas, correct?</p> <p>15 A When Ms. Guzman worked for The New</p> <p>16 York Post, she worked -- started on the</p> <p>17 tenth floor and for most of the time was on</p> <p>18 the 9th floor.</p> <p>19 Q At 1211 Avenue of the Americas,</p> <p>20 correct?</p> <p>21 A That's correct.</p> <p>22 Q Now, when she worked at the</p> <p>23 company, were there other organizations,</p> <p>24 separate and apart from News Corporation and</p> <p>25 its subsidiaries, located at 1211 Avenue of</p>	<p style="text-align: right;">Page 79</p> <p>1 JORDAN LIPPNER</p> <p>2 the Americas?</p> <p>3 A Yes.</p> <p>4 MR. LERNER: Objection.</p> <p>5 Hold on.</p> <p>6 You said when she worked at the</p> <p>7 company.</p> <p>8 There are two corporate defendants</p> <p>9 here. So we'll take it to mean when you</p> <p>10 say "the company," she was employed by</p> <p>11 The New York Post, we'll take it to mean</p> <p>12 The New York Post.</p> <p>13 MR. THOMPSON: No, I don't mean</p> <p>14 that.</p> <p>15 MR. LERNER: Then you should</p> <p>16 state what corporate entity you mean.</p> <p>17 MR. THOMPSON: When I say "the</p> <p>18 company" I mean News Corporation and</p> <p>19 The New York Post.</p> <p>20 A Let me clarify my answer. As I</p> <p>21 stated in my prior answer to your prior</p> <p>22 question, Ms. Guzman worked for The New York</p> <p>23 Post.</p> <p>24 So if -- I don't know what your</p> <p>25 last question was.</p>
<p style="text-align: right;">Page 80</p> <p>1 JORDAN LIPPNER</p> <p>2 Q Well, I'll have it read back since</p> <p>3 you forgot it.</p> <p>4 MR. THOMPSON: Will you read it</p> <p>5 back, please.</p> <p>6 (Requested portion of record read:</p> <p>7 "Q. Now, when she worked at the</p> <p>8 company, were there other organizations,</p> <p>9 separate and apart from News Corporation</p> <p>10 and its subsidiaries, located at 1211</p> <p>11 Avenue of the Americas?")</p> <p>12 (End of read-back.)</p> <p>13 A When Ms. Guzman worked for The New</p> <p>14 York Post, there were and are other</p> <p>15 companies that have nothing to do whatsoever</p> <p>16 with News Corporation and its subsidiaries</p> <p>17 that have their offices located at 1211</p> <p>18 Avenue of the Americas.</p> <p>19 Q Now when she worked at the company,</p> <p>20 did employees of those organizations that</p> <p>21 had nothing to do with News Corporation, did</p> <p>22 they have access to the employee cafeteria?</p> <p>23 MR. LERNER: Objection.</p> <p>24 A They could have gained access if</p> <p>25 they wanted to.</p>	<p style="text-align: right;">Page 81</p> <p>1 JORDAN LIPPNER</p> <p>2 Q Why do you say that?</p> <p>3 A Well --</p> <p>4 Q Well, let me ask it differently.</p> <p>5 When you walk into 1211 Avenue of</p> <p>6 the Americas, do you have to use some type</p> <p>7 of electronic security pass to get up to the</p> <p>8 floors occupied by News Corp. or The New</p> <p>9 York Post?</p> <p>10 A You have to use an ID card to get</p> <p>11 access to -- I believe there are four</p> <p>12 different elevator banks. Once you gain</p> <p>13 access to that general area, you do not need</p> <p>14 your ID card to go up in the elevator.</p> <p>15 Q Do you know if there's one type of</p> <p>16 ID card that all the employees who work at</p> <p>17 the various subsidiaries of News Corp. use</p> <p>18 at that building?</p> <p>19 A I know that employees of the</p> <p>20 different companies have different ID cards.</p> <p>21 Q Okay.</p> <p>22 Now, when you -- I believe you said</p> <p>23 that the cafeteria was on the fifth floor?</p> <p>24 A The cafeteria is on the third</p> <p>25 floor.</p>

<p style="text-align: right;">Page 106</p> <p>1 JORDAN LIPPNER</p> <p>2 MR. LERNER: Objection.</p> <p>3 A On the days that The New York Post</p> <p>4 security guards are not at 1211, they are</p> <p>5 providing security for New York Post</p> <p>6 employees at 900 East 132nd Street.</p> <p>7 Q So I'm going to ask the question</p> <p>8 differently.</p> <p>9 When there are no New York Post</p> <p>10 security officers at 1211 Avenue of the</p> <p>11 Americas, who provides security for The New</p> <p>12 York Post employees at 1211 Avenue of the</p> <p>13 Americas?</p> <p>14 A The building owner -- and I don't</p> <p>15 know who the building owner is but it is not</p> <p>16 News Corp. or any of its subsidiaries --</p> <p>17 provides security for the tenants of the</p> <p>18 building.</p> <p>19 Q Okay.</p> <p>20 So what role does the Security</p> <p>21 Department for News Corp. play differently</p> <p>22 than the security that the building owner</p> <p>23 provides?</p> <p>24 MR. LERNER: Objection. Beyond</p> <p>25 the scope of 30(b)(6) Deposition</p>	<p style="text-align: right;">Page 107</p> <p>1 JORDAN LIPPNER</p> <p>2 Notice.</p> <p>3 MR. THOMPSON: It's not.</p> <p>4 MR. LERNER: Instructing the</p> <p>5 witness not to answer the question.</p> <p>6 (Directive to witness.)</p> <p>7 Q Mr. Lippner, are you going to</p> <p>8 answer that question?</p> <p>9 A I'm going to follow the advice of</p> <p>10 my counsel.</p> <p>11 Q Isn't it fair to say that the</p> <p>12 Security Department for News Corp. also</p> <p>13 provides security for The New York Post</p> <p>14 employees at 1211 Avenue of the Americas?</p> <p>15 A No.</p> <p>16 Q Do you have an e-mail address at</p> <p>17 work?</p> <p>18 A Yes.</p> <p>19 Q What is it?</p> <p>20 A Jlippner@newscorp.com.</p> <p>21 Q Do you have a -- strike that.</p> <p>22 Has that been your e-mail address</p> <p>23 for the past several years?</p> <p>24 A It has.</p> <p>25 Q Was it your e-mail address when</p>
<p style="text-align: right;">Page 108</p> <p>1 JORDAN LIPPNER</p> <p>2 Ms. Guzman worked at the company?</p> <p>3 A Absolutely.</p> <p>4 Q Now, do you also have an e-mail</p> <p>5 address that is specifically tied to News</p> <p>6 America Incorporated?</p> <p>7 MR. LERNER: Objection.</p> <p>8 A I only have one address and it is</p> <p>9 jlippner@newscorp.com and that is my News</p> <p>10 America Incorporated e-mail address.</p> <p>11 Q So is it fair to say, Mr. Lippner,</p> <p>12 that employees who work for The New York</p> <p>13 Post have a different e-mail address than a</p> <p>14 News Corp. e-mail address?</p> <p>15 MR. LERNER: Objection.</p> <p>16 A Employees who work for The New York</p> <p>17 Post do not have a News America Incorporated</p> <p>18 e-mail address or a News Corporation e-mail</p> <p>19 address. They have a New York Post e-mail</p> <p>20 address.</p> <p>21 Q Do you know why you have a newscorp</p> <p>22 e-mail address if you work for News America</p> <p>23 Incorporated?</p> <p>24 MR. LERNER: Object to form.</p> <p>25 A I do not have a News Corporation</p>	<p style="text-align: right;">Page 109</p> <p>1 JORDAN LIPPNER</p> <p>2 e-mail address. I have a News America</p> <p>3 Incorporated e-mail address.</p> <p>4 Q Okay.</p> <p>5 Is it fair to say, Mr. Lippner,</p> <p>6 that your e-mail address is</p> <p>7 jlippner@newscorp.com?</p> <p>8 A My work e-mail is that e-mail, yes.</p> <p>9 Q And I'm only talking about your</p> <p>10 work e-mail. I'm not talking about private</p> <p>11 e-mail right now or personal e-mail.</p> <p>12 Why, Mr. Lippner, do you have a</p> <p>13 newscorp.com e-mail address if you work for</p> <p>14 News America Incorporated?</p> <p>15 MR. LERNER: Objection.</p> <p>16 Mr. Thompson, the reason for</p> <p>17 Mr. Lippner's e-mail address has nothing</p> <p>18 to do with the relationship between</p> <p>19 The New York Post and News Corp.</p> <p>20 Mr. Lippner does not work for</p> <p>21 The New York Post. He doesn't have an</p> <p>22 office at The New York Post and he's</p> <p>23 testified to that.</p> <p>24 MR. THOMPSON: Yes. But,</p> <p>25 Mr. Lerner, as you know, Mr. Lippner</p>

<p style="text-align: right;">Page 110</p> <p>1 JORDAN LIPPNER</p> <p>2 has maintained an office at</p> <p>3 1211 Avenue of the Americas for</p> <p>4 years.</p> <p>5 The same address where the</p> <p>6 editorial and business offices of The New</p> <p>7 York Post are located.</p> <p>8 I have a right to probe this</p> <p>9 witness regarding the e-mail addresses</p> <p>10 used by News Corp. employees and The New</p> <p>11 York Post employees, and I'm asking him</p> <p>12 why does he have a newscorp e-mail</p> <p>13 address if he works for News America</p> <p>14 Incorporated.</p> <p>15 It is a fair area to inquire to</p> <p>16 determine if News Corp. and News America</p> <p>17 Incorporated are the same company.</p> <p>18 MR. LERNER: It's beyond the</p> <p>19 scope.</p> <p>20 MR. THOMPSON: It is not.</p> <p>21 MR. LERNER: I'm directing the</p> <p>22 witness not to answer that question.</p> <p>23 (Directive to witness.)</p> <p>24 BY MR. THOMPSON:</p> <p>25 Q Mr. Lippner, do you know if there</p>	<p style="text-align: right;">Page 111</p> <p>1 JORDAN LIPPNER</p> <p>2 is one computer server for News Corp.</p> <p>3 employees and New York Post employees?</p> <p>4 MR. LERNER: Objection.</p> <p>5 A I know there is not one computer</p> <p>6 server.</p> <p>7 Q Tell us -- describe the different</p> <p>8 computer servers for The New York Post</p> <p>9 employees and -- as opposed to the computer</p> <p>10 server for the News Corp. employees?</p> <p>11 MR. LERNER: As best you can</p> <p>12 and understanding that you are not an</p> <p>13 IT specialist.</p> <p>14 MR. THOMPSON: Mr. Lerner, he</p> <p>15 doesn't have to be an IT specialist.</p> <p>16 He has to be prepared to answer the</p> <p>17 questions that are relevant to the</p> <p>18 30(b)(6) Dep Notice.</p> <p>19 MR. LERNER: I'm not even sure</p> <p>20 what a server is. And Mr. Lippner</p> <p>21 and I are both lawyers, as are you.</p> <p>22 So he can answer that question as</p> <p>23 best he can with that understanding.</p> <p>24 A I am not what you would call a</p> <p>25 computer geek or very IT savvy.</p>
<p style="text-align: right;">Page 112</p> <p>1 JORDAN LIPPNER</p> <p>2 What I can tell you is that The New</p> <p>3 York Post maintains separate and distinct</p> <p>4 computer databases, computer servers from</p> <p>5 News Corporation.</p> <p>6 They have nothing to do with each</p> <p>7 other. Each company has separate IT</p> <p>8 departments.</p> <p>9 I don't know how else to answer</p> <p>10 your question.</p> <p>11 Q Do you know anyone who has a</p> <p>12 newsamerica.com e-mail address?</p> <p>13 A Yes.</p> <p>14 Q Who?</p> <p>15 A Every employee of News America</p> <p>16 Marketing.</p> <p>17 Q News America Marketing?</p> <p>18 A Yes.</p> <p>19 Q So what's the e-mail address for</p> <p>20 employees at News America Marketing?</p> <p>21 MR. LERNER: Objection.</p> <p>22 A Something to do with their name,</p> <p>23 @newsamerica.com.</p> <p>24 Q Is it fair to say, Mr. Lippner,</p> <p>25 that you and other attorneys for News</p>	<p style="text-align: right;">Page 113</p> <p>1 JORDAN LIPPNER</p> <p>2 America Incorporated have a newscorp.com</p> <p>3 e-mail address at work?</p> <p>4 A I'm sorry, can you repeat the</p> <p>5 question.</p> <p>6 (Requested portion of record read:</p> <p>7 "Q. Is it fair to say,</p> <p>8 Mr. Lippner, that you and other attorneys</p> <p>9 for News America Incorporated have a</p> <p>10 newscorp.com e-mail address at work?" )</p> <p>11 (End of read-back.)</p> <p>12 A Yes. My and my News America</p> <p>13 Incorporated legal colleagues, our e-mail</p> <p>14 addresses end with newscorp.com.</p> <p>15 Q Do you know why your e-mail</p> <p>16 addresses end with newscorp.com as opposed</p> <p>17 to newsamerica.com?</p> <p>18 MR. LERNER: Objection. This</p> <p>19 is exactly the same question in which</p> <p>20 we already had a colloquy and we have</p> <p>21 objected to the question, and I</p> <p>22 instruct the witness not to answer</p> <p>23 beyond the scope of this Deposition</p> <p>24 Notice.</p> <p>25 (Directive to witness.)</p>

Page 134

1 JORDAN LIPPNER  
2 But let me move on because you read  
3 one part of the 30(b)(6) Deposition  
4 Notice, and you forgot to read the most  
5 important part that goes to this area of  
6 inquiry.  
7 "One: Explain how, if at all, the  
8 operations of the Defendants are  
9 interrelated."  
10 Now, we've established, Mr. Lerner,  
11 through this witness that News Corp. has  
12 a board of directors, and we've  
13 established through this witness that  
14 The New York Post has a board of  
15 directors, so we need to probe and we  
16 have a right to probe whether there is  
17 any interrelated activity between the  
18 board of directors or any members of the  
19 board of directors of News Corp. with the  
20 board of directors at The New York Post.  
21 It is improper for you to suggest  
22 that this is not a fair area of inquiry.  
23 It is completely fair and dead on in  
24 terms of the Dep Notice.  
25 BY MR. THOMPSON:

Page 136

1 JORDAN LIPPNER  
2 Q Why not?  
3 A Because it's not part of the scope  
4 of the Notice that you sent.  
5 Q So you don't believe that finding  
6 out more information about the board of  
7 directors is relevant to the Dep Notice that  
8 we sent; is that your testimony?  
9 MR. LERNER: Objection.  
10 A I think my prior statement stands  
11 on its own.  
12 Q Okay.  
13 Where do the board of directors of  
14 The New York Post meet?  
15 A I do not know.  
16 Q Where does the board of directors  
17 of News Corp. meet?  
18 A I do not know.  
19 Q How often does the board of  
20 directors of News Corp. --  
21 MR. LERNER: Mr. Thompson,  
22 there is clear case law that the  
23 boards of directors and memberships  
24 of the boards of directors and the  
25 operations of boards in which members

Page 135

1 JORDAN LIPPNER  
2 Q Mr. Lippner, I just want the record  
3 to be clear, as a 30(b)(6) witness for  
4 The New York Post, is it your testimony that  
5 all you know about The New York Post board  
6 of directors is that one exists?  
7 A That's not my testimony.  
8 Q So tell us what you know about the  
9 board of directors at The New York Post.  
10 For example, how often does it  
11 meet?  
12 A Paul Carlucci, Dave Devoe, Rupert  
13 Murdoch and Lon Jacobs sat on the board of  
14 directors for The New York Post as of the  
15 date of Ms. Guzman's employment termination.  
16 Q How often did the board of  
17 directors at The New York Post meet during  
18 Ms. Guzman's employment?  
19 A I do not know.  
20 Q How often does the board of  
21 directors at The New York Post meet today?  
22 A I don't know.  
23 Q Did you seek to get that  
24 information before your deposition today?  
25 A No.

Page 137

1 JORDAN LIPPNER  
2 wear different hats has no relevance  
3 to the questions that of where this  
4 is all going, which is, as I  
5 understand it, joint employment,  
6 joint control.  
7 MR. THOMPSON: You don't  
8 understand it.  
9 If that's your belief, you are  
10 mistaken. Okay. Because that's not --  
11 MR. LERNER: It's not even  
12 relevant to the subject matter.  
13 MR. THOMPSON: These questions  
14 are relevant.  
15 I'm going to continue.  
16 MR. LERNER: Excuse me one  
17 second.  
18 (Lippner Exhibit 2, Defendant  
19 NYP Holdings, Inc. d/b/a The New  
20 York Post, Objections and Responses  
21 to Plaintiffs' First Set of  
22 Interrogatories, was marked for  
23 Identification.)  
24 BY MR. THOMPSON:  
25 Q Mr. Lippner, I'm now showing you

<p style="text-align: right;">Page 146</p> <p>1 JORDAN LIPPNER</p> <p>2 ten-year employment at News America</p> <p>3 Incorporated.</p> <p>4 And during that ten-year period, I</p> <p>5 have not once had a discussion with any</p> <p>6 executive at The New York Post about a</p> <p>7 policy that they were implementing or a new</p> <p>8 policy that was handed down. Period.</p> <p>9 And no new policies have been</p> <p>10 handed down in that regard.</p> <p>11 So I'm basing that as my statement</p> <p>12 that I don't believe a single policy has</p> <p>13 been handed down by the board of directors</p> <p>14 of The New York Post on New York Post</p> <p>15 employees.</p> <p>16 Q Do you know if Paul Carlucci ever</p> <p>17 set policy for The New York Post employees?</p> <p>18 A Yes.</p> <p>19 Q How do you know that?</p> <p>20 A Because I do.</p> <p>21 Q What's the basis besides "I do"?</p> <p>22 A The New York Post a few years ago</p> <p>23 implemented a formal annual performance</p> <p>24 appraisal system. It was the first time in</p> <p>25 The Post history that they were implementing</p>	<p style="text-align: right;">Page 147</p> <p>1 JORDAN LIPPNER</p> <p>2 such a procedure, and they were implementing</p> <p>3 it because Paul Carlucci wanted to implement</p> <p>4 it.</p> <p>5 Q Do you know if Paul Carlucci</p> <p>6 discussed that particular policy during any</p> <p>7 board meeting?</p> <p>8 A I do not.</p> <p>9 Q Strike that.</p> <p>10 Do you know if Paul Carlucci</p> <p>11 discussed that particular policy during any</p> <p>12 meeting of the board of directors of The New</p> <p>13 York Post?</p> <p>14 A I do not.</p> <p>15 Q Mr. Lippner, who has final</p> <p>16 authority over personnel decisions at News</p> <p>17 Corporation?</p> <p>18 A It would depend on the employee</p> <p>19 that we're talking about.</p> <p>20 Q Well, is there one person who had</p> <p>21 final authority over personnel decisions at</p> <p>22 News Corp.?</p> <p>23 A No.</p> <p>24 Q Is there one person who has final</p> <p>25 authority over personnel decisions at The</p>
<p style="text-align: right;">Page 148</p> <p>1 JORDAN LIPPNER</p> <p>2 New York Post?</p> <p>3 A I mean every situation stands on</p> <p>4 its own.</p> <p>5 Q I understand that. My question is</p> <p>6 different.</p> <p>7 My question is: Is there a person</p> <p>8 at The New York Post who has final authority</p> <p>9 over personnel decisions affecting New York</p> <p>10 Post employees?</p> <p>11 MR. LERNER: Objection.</p> <p>12 A You know, I think I don't then</p> <p>13 really understand your question.</p> <p>14 Q I'll ask it differently.</p> <p>15 Does Paul Carlucci have final say</p> <p>16 over personnel decisions at The New York</p> <p>17 Post?</p> <p>18 MR. LERNER: Objection.</p> <p>19 A No.</p> <p>20 Q Does Rupert Murdoch have final say</p> <p>21 over personnel decision at The New York</p> <p>22 Post?</p> <p>23 A No.</p> <p>24 Q Who has final say over personnel</p> <p>25 decisions at The New York Post?</p>	<p style="text-align: right;">Page 149</p> <p>1 JORDAN LIPPNER</p> <p>2 A Your question has a faulty premise.</p> <p>3 You are suggesting that such a person</p> <p>4 exists.</p> <p>5 Q I'll ask it differently then.</p> <p>6 Does any person or group have final</p> <p>7 say over personnel decisions at The New York</p> <p>8 Post?</p> <p>9 MR. LERNER: Objection.</p> <p>10 A As I said before, each situation</p> <p>11 will stand on its own.</p> <p>12 If you are talking about, for</p> <p>13 example, Bob Smith, random employee who</p> <p>14 works in the sales department, is going to</p> <p>15 get fired and the manager in the sales</p> <p>16 department is go going to be handling that.</p> <p>17 If you are talking about one in</p> <p>18 editorial, some senior editor will be</p> <p>19 handling that.</p> <p>20 There is no mandatory policy or</p> <p>21 procedure that dictates at The New York Post</p> <p>22 how someone gets fired.</p> <p>23 Q Who is the highest ranking person</p> <p>24 at The New York Post?</p> <p>25 A Paul Carlucci.</p>



Page 150

1 JORDAN LIPPNER  
2 Q Who does he report to?  
3 A He reports to the chairman of the  
4 board of directors.  
5 Q Who is that?  
6 A Rupert Murdoch.  
7 Q So at any time isn't it fair to say  
8 that Rupert Murdoch has final authority over  
9 The New York Post?  
10 MR. LERNER: Objection.  
11 A No.  
12 Q Is it your testimony, Mr. Lippner,  
13 that Paul Carlucci has more authority over  
14 The New York Post than Rupert Murdoch?  
15 MR. LERNER: Objection.  
16 A Yes. Paul Carlucci runs the  
17 day-to-day operations of The Post. He is  
18 the senior-most executive at The Post.  
19 Q So if Paul Carlucci wanted to fire  
20 someone in sales at The New York Post, he  
21 had final authority to do that?  
22 MR. LERNER: Objection.  
23 A I don't know what you mean by  
24 "final authority."  
25 Q It is your testimony that Paul

Page 152

1 JORDAN LIPPNER  
2 Murdoch?  
3 MR. LERNER: Objection.  
4 A Mr. Murdoch does not get involved  
5 with employee terminations at The New York  
6 Post.  
7 Q That's not my question.  
8 Can you answer my question.  
9 A I just answered it.  
10 Q No you have not.  
11 (Requested portion of record read:  
12 "Q. Is it also your testimony that  
13 Col Allan would have more authority in  
14 firing someone who works in the Editorial  
15 Department at The New York Post over  
16 Rupert Murdoch?")  
17 (End of read-back.)  
18 A Yes. Mr. Murdoch does not get  
19 involved in employee terminations at The New  
20 York Post.  
21 MR. THOMPSON: Move to strike  
22 the last part of his answer as  
23 nonresponsive.  
24 Don't worry, Bobbie, we'll take a  
25 break.

Page 151

1 JORDAN LIPPNER  
2 Carlucci is the highest ranking person at  
3 The New York Post, correct?  
4 A It's my testimony that he is the  
5 highest ranking executive of The New York  
6 Post.  
7 Q Okay.  
8 And who is the highest ranking  
9 editor at The New York Post?  
10 A Col Allan.  
11 Q And who does Col Allan report to?  
12 A He also reports in to, as I  
13 understand it, he reports in to the chairman  
14 of the board of The New York Post, Rupert  
15 Murdoch.  
16 Q So is it your testimony that Paul  
17 Carlucci would have more authority over  
18 firing an employee at The New York Post than  
19 Rupert Murdoch?  
20 MR. LERNER: Objection.  
21 A Yes.  
22 Q Is it also your testimony that Col  
23 Allan would have more authority in firing  
24 someone who works in the Editorial  
25 Department at The New York Post over Rupert

Page 153

1 JORDAN LIPPNER  
2 MR. LERNER: Ken, it's five  
3 after 1.  
4 MR. THOMPSON: Want to take a  
5 break now?  
6 MR. LERNER: It's -- I actually  
7 have 1:10 on my watch.  
8 MR. THOMPSON: Do you want to  
9 take a lunch break?  
10 MR. LERNER: Yes.  
11 MR. THOMPSON: What time do you  
12 want to resume?  
13 MR. LERNER: 2:00.  
14 THE VIDEOGRAPHER: The time is  
15 1:09 p.m. We're off the record.  
16 (A luncheon recess was  
17 taken at 1:09 p.m. 2:15 p.m.)  
18 A F T E R N O O N S E S S I O N  
19 JORDAN LIPPNER,  
20 resumed, having been previously  
21 duly sworn, was examined  
22 and testified further as follows:  
23 THE VIDEOGRAPHER: The time is  
24 2:15 p.m. We're on the record.  
25 CONTINUED EXAMINATION BY MR. THOMPSON:



Page 182	Page 183
<p>1 JORDAN LIPPNER</p> <p>2 specifically?</p> <p>3 A She did.</p> <p>4 Q But is Mr. Goodstein now a member</p> <p>5 of the executive committee at The New York</p> <p>6 Post?</p> <p>7 A He is.</p> <p>8 Q So when did he become a member on</p> <p>9 that committee?</p> <p>10 A I believe it occurred January 2010.</p> <p>11 Q Can you now take a moment, sir, and</p> <p>12 look at Deposition Exhibit 7 and tell us if</p> <p>13 you recognize it.</p> <p>14 A Okay.</p> <p>15 Q Do you recognize this exhibit?</p> <p>16 A I recognize the exhibit as being</p> <p>17 minutes of the executive committee from</p> <p>18 different dates.</p> <p>19 I don't have specific recollection</p> <p>20 of the particular documents.</p> <p>21 Q I want to focus your attention on</p> <p>22 Page NYP-1979.</p> <p>23 Do you see that it's dated</p> <p>24 March 24, 2008?</p> <p>25 A I do.</p>	<p>1 JORDAN LIPPNER</p> <p>2 Q Do you see it says "third floor,</p> <p>3 Dining Room 4"?</p> <p>4 A I do.</p> <p>5 Q Who actually controlled the dining</p> <p>6 rooms on the third floor in March 2008?</p> <p>7 MR. LERNER: Objection.</p> <p>8 Objection. Asked and answered.</p> <p>9 A Either News America Incorporated or</p> <p>10 News Corporation. I'm not sure which.</p> <p>11 Q So based on this deposition</p> <p>12 exhibit, is it fair to say that The New York</p> <p>13 Post business was discussed in one of the</p> <p>14 dining rooms at 1211 Avenue of the Americas</p> <p>15 in March 2008?</p> <p>16 A I think that that is a fair</p> <p>17 statement.</p> <p>18 Q Now, do you know why Les Goodstein</p> <p>19 was present for the executive committee</p> <p>20 meeting in March 2008?</p> <p>21 MR. LERNER: Objection.</p> <p>22 A I can't tell specifically why.</p> <p>23 Q Do you know if he was a member of</p> <p>24 that committee or guest on that date?</p> <p>25 A As I stated previously, I believe</p>
Page 184	Page 185
<p>1 JORDAN LIPPNER</p> <p>2 that until January 2010, Mr. Goodstein</p> <p>3 participated not as a formal member of the</p> <p>4 committee, but as a guest of the committee.</p> <p>5 His primary responsibility was</p> <p>6 running our Community Newspaper Group and</p> <p>7 there were -- there was a lot of interaction</p> <p>8 between the Community Newspaper Groups -- I</p> <p>9 don't know if I should say a lot, but there</p> <p>10 were definitely attempts at The New York</p> <p>11 Post to explore leveraging, being able to</p> <p>12 reach more people in the communities through</p> <p>13 the Community Newspaper Group and sell</p> <p>14 advertising than could be done in one paper</p> <p>15 versus the Community Newspaper Group and</p> <p>16 things like that.</p> <p>17 So for sure that had something to</p> <p>18 do with why he was there.</p> <p>19 Q When you say that Mr. Goodstein ran</p> <p>20 the Community Newspaper Group, what do you</p> <p>21 mean by that?</p> <p>22 A He was in charge of all the</p> <p>23 community newspapers that existed within our</p> <p>24 company, The Bronx Times and Queens</p> <p>25 Courier-Life and the other 16 other titles.</p>	<p>1 JORDAN LIPPNER</p> <p>2 Q So is it your understanding that</p> <p>3 when Mr. Goodstein's name is listed on the</p> <p>4 executive committee agenda, you believe it</p> <p>5 was in connection with his duties running</p> <p>6 the Community Newspaper Group?</p> <p>7 A That would be my assumption, but</p> <p>8 again I don't know for sure.</p> <p>9 Q Can you turn to the next page,</p> <p>10 Bates stamp NYP-1980.</p> <p>11 A Sure.</p> <p>12 Q Do you see where it says "Jennifer</p> <p>13 is confident that half of the employees will</p> <p>14 be placed at other News Corporation</p> <p>15 businesses"?</p> <p>16 A Yup.</p> <p>17 Q Isn't it correct, Mr. Lippner, that</p> <p>18 personnel matters were discussed during the</p> <p>19 executive committee meetings?</p> <p>20 MR. LERNER: Objection.</p> <p>21 A I don't know that to be true.</p> <p>22 Q So what is your understanding when</p> <p>23 it says "Jennifer's confident that half of</p> <p>24 the employees will be placed at other News</p> <p>25 Corporation businesses"?</p>

Page 198

JORDAN LIPPNER

A I'm sorry, Mr. Thompson, but you asked me a very specific question which was, and I believe -- and if I misheard I apologize -- but I believe since the first time you asked me this line of questioning, that the operative word was did the committee "discuss." And as I understand the word "discuss" it, that would require multiple people going back and forth over the issue.

And as I read what's in here, what this is announcing is that Jennifer just informed -- is informing the committee what's happening with certain people.

And I'm sorry if I'm being legal, lawyer or not, I'm mean, I'm being -- wasn't a discussion.

Q Why do you think Jennifer Jane informed the other committee members about the fact that some employees would be retained at the paper?

MR. LERNER: Objection.

A I have no idea what motivates Jennifer Jane. You know, what I can tell

Page 199

JORDAN LIPPNER

you is that the point of my understanding of the point of these meetings is for the various heads of the different departments to get together and inform the rest of them what's going on in their department or over in the areas over which they had responsibility.

So I would think that -- I'm assuming that the reason Jennifer was motivated for her responsibility was to inform the rest of the committee of something that was happening over which she was overseeing.

Q When someone informs a committee about a particular matter, do the committee members ask questions about it?

MR. LERNER: Objection.

A They may or they may not.

As I stated before, I haven't attended an executive committee meeting, so I couldn't answer that question.

Q Well, do you know if Les Goodstein was present when Jennifer Jane informed the group about personnel decisions?

Page 200

JORDAN LIPPNER

MR. LERNER: Objection.

A I don't.

I mean we have agreed that NYP-2067 states on its face that Jennifer Jane was in attendance and that Les Goodstein was in attendance. So it's entirely possible that Les was there when Jennifer made this announcement. But as I was not there, I couldn't tell you one way or the other.

Q Based on your review of these New York Post executive committee agenda minutes, do you know if Les Goodstein attended New York Post executive committee meetings during Sandra Guzman's employment?

A Based on my review of the documents, I don't know that.

Q Well, you know that Ms. Guzman worked at the company from -- from 2003 to 2009, correct?

A I believe she worked starting in June or July 2003 till September '09. Yes.

Q So look at the dates of some of these New York Post executive committee meetings.

Page 201

JORDAN LIPPNER

A I have.

Q Now, isn't it correct that Mr. Goodstein is present at New York Post executive committee meetings during Ms. Guzman's employment?

MR. LERNER: Objection. He's answered your question.

A I have no personal knowledge that that's the case.

Q Did you review any of these minutes that we just went over in connection with performing your job as senior vice president and deputy general counsel at News America Incorporated?

MR. LERNER: Objection.

A I have no specific recollection of whether or not these minutes were minutes that I reviewed.

Q So is it fair to say that there might have been minutes that you've never reviewed of New York Post executive committee meetings?

A I think it is not only fair, it is one hundred percent accurate to say that

<p style="text-align: right;">Page 202</p> <p>1 JORDAN LIPPNER</p> <p>2 there are minutes that I have never reviewed</p> <p>3 of The New York Post executive committee.</p> <p>4 Q And since you've never attended a</p> <p>5 single meeting of The New York Post</p> <p>6 executive committee, would you also agree</p> <p>7 there may have been many discussions that</p> <p>8 you are completely unaware of?</p> <p>9 A I would a hundred percent agree</p> <p>10 with that.</p> <p>11 Q And those discussions could have</p> <p>12 also involved personnel decisions of New</p> <p>13 York Post employees, correct?</p> <p>14 A Anything is possible, sir.</p> <p>15 Q And in fact, do you know if The New</p> <p>16 York Post executive committee ever discussed</p> <p>17 Sandra Guzman?</p> <p>18 MR. LERNER: Objection.</p> <p>19 A I know that The New York Post</p> <p>20 executive committee discussed Tempo on a</p> <p>21 number of occasions as early as -- well, on</p> <p>22 a number of occasions and discussed closing</p> <p>23 it as early as '06.</p> <p>24 Whether those conversations also</p> <p>25 included a discussion of Ms. Guzman, that, I</p>	<p style="text-align: right;">Page 203</p> <p>1 JORDAN LIPPNER</p> <p>2 don't know. But I know for sure that they</p> <p>3 discussed Tempo, how it was doing and</p> <p>4 whether it should be folded or not.</p> <p>5 Q How do you know the committee</p> <p>6 discussed how Tempo was doing and whether it</p> <p>7 should be folded or not?</p> <p>8 MR. LERNER: Objection.</p> <p>9 This is not within the scope of the</p> <p>10 30(b)(6) Notice.</p> <p>11 I'm going to instruct the witness</p> <p>12 not to answer.</p> <p>13 (Directive to witness.)</p> <p>14 BY MR. THOMPSON:</p> <p>15 Q Are you going to answer the</p> <p>16 question, Mr. Lippner?</p> <p>17 A I'm going to follow the advice of</p> <p>18 counsel.</p> <p>19 MR. THOMPSON: Do you want to</p> <p>20 take a break before I go into these</p> <p>21 other documents?</p> <p>22 THE WITNESS: That would be</p> <p>23 great.</p> <p>24 THE VIDEOGRAPHER: The time is</p> <p>25 3:09 p.m. We're off the record.</p>
<p style="text-align: right;">Page 204</p> <p>1 JORDAN LIPPNER</p> <p>2 (A brief recess was</p> <p>3 taken.)</p> <p>4 THE VIDEOGRAPHER: The time is</p> <p>5 3:21 p.m. We're on the record.</p> <p>6 BY MR. THOMPSON:</p> <p>7 Q Mr. Lippner, do you know whether</p> <p>8 during the time Ms. Guzman worked at the</p> <p>9 company any employees of The New York Post</p> <p>10 served on any committees at News Corp.?</p> <p>11 A Yes, I'm aware.</p> <p>12 Q How were you aware that New York</p> <p>13 Post employees served on News Corp.</p> <p>14 committees during Ms. Guzman's employment?</p> <p>15 A News Corp. established -- one</p> <p>16 committee comes to mind, for example, a</p> <p>17 committee called Cool Change.</p> <p>18 Worldwide the company -- when I say</p> <p>19 "the company," I'm talking about News</p> <p>20 Corporation -- adopted a Green initiative, a</p> <p>21 Go Green Initiative.</p> <p>22 And the idea was -- and I don't</p> <p>23 recall exactly which year this started, but</p> <p>24 one of the goals -- of going carbon neutral,</p> <p>25 for example, is one of the goals and that</p>	<p style="text-align: right;">Page 205</p> <p>1 JORDAN LIPPNER</p> <p>2 was achieved already.</p> <p>3 And one of the ways -- as a very</p> <p>4 big company, I think the company likes to</p> <p>5 play off its various resources so they'd</p> <p>6 say, hey New York Post, hey FOX Television,</p> <p>7 hey 20th Century Films, hey V Sky B, you</p> <p>8 know, hey the Australian, whatever the</p> <p>9 entity may be, we're going to have a</p> <p>10 committee, can you get your people excited</p> <p>11 about it, put someone on the committee. And</p> <p>12 then you guys can go back and try to develop</p> <p>13 ideas, for example, The New York Post, FOX</p> <p>14 Television, whatever it may be, for ideas on</p> <p>15 how to, in this instance, help the company</p> <p>16 go Green with suggestions and things like</p> <p>17 that.</p> <p>18 I think Ms. Guzman volunteered for</p> <p>19 that committee so I believe that committee</p> <p>20 existed.</p> <p>21 Q Are you aware that any other</p> <p>22 committees at News Corporation existed that</p> <p>23 New York Post employees served on during</p> <p>24 Ms. Guzman's employment?</p> <p>25 A I'm not sure.</p>

Page 206

1 JORDAN LIPPNER

2 Q Do you know if any committees at

3 The New York Post that News Corp. employees

4 or executives served on during Ms. Guzman's

5 employment?

6 A No, I don't think there were any.

7 Q Do you know of any committees

8 currently at News Corp. that New York Post

9 employees serve on?

10 A If the Cool Change still exists, I

11 would imagine that New York Post employees

12 participate, but I don't know that for sure.

13 Q During Ms. Guzman's employment, you

14 testified that she served on this Cool

15 Change committee?

16 A I'm pretty sure she did.

17 Q Do you know of other members who

18 also served on that committee who were New

19 York Post employees?

20 A I don't.

21 Q Do you know the identity of any of

22 the members besides Ms. Guzman on the Cool

23 Change committee when she worked at the

24 company?

25 A I don't.

Page 208

1 JORDAN LIPPNER

2 Q Showing you now what's been marked

3 as Lippner Deposition Exhibit 8, Bates

4 stamped NYP-685 through 686. And I'll

5 represent to you, Mr. Lippner, that the

6 Defendant New York Post produced these

7 documents in discovery in this case.

8 THE WITNESS: Ken, you know

9 that my name is misspelled here.

10 MR. THOMPSON: I didn't know

11 that.

12 BY MR. THOMPSON:

13 Q Mr. Lippner, have you seen this

14 exhibit before?

15 A It's possible. It doesn't

16 immediately come to mind.

17 Q Do you recognize it?

18 A I just said it doesn't come to

19 mind.

20 Q Well, it appears to be an exchange

21 of -- an e-mail exchange between Joe

22 Robinowitz and Sandra Guzman dated --

23 starting on April 8, 2009 going into

24 April 9, 2009.

25 Do you see that?

Page 207

1 JORDAN LIPPNER

2 Q Do you know where the Cool Change

3 committee met when Ms. Guzman was a member?

4 A I don't, and although I'm

5 struggling to answer your question because I

6 think "met" is a difficult word in the sense

7 that they might have had some like video

8 conferences going on. So I don't know where

9 you say that is a meeting taking place if

10 you have people in LA or Australia or London

11 or whatnot participating in a meeting.

12 Q Do you know if any members of the

13 News Corp. Cool Change committee met in

14 person at 1211 Avenue of the Americas during

15 Ms. Guzman's employment?

16 A I don't know the answer to that.

17 Q Do you know what the News Corp.

18 Hispanic Council is?

19 A I don't.

20 (Lippner Exhibit 8, E-mail

21 chain, top e-mail dated April 9,

22 2009, 2:24 p.m., Bates Numbers

23 NYP-685 through NYP-686, was marked

24 for Identification.)

25 BY MR. THOMPSON:

Page 209

1 JORDAN LIPPNER

2 A It starts on the 8th and ends on

3 the 9th. Yes, I see that.

4 Q Who is Joe Robinowitz?

5 A Joe is an editor at The New York

6 Post and I believe at one point he was

7 Sandra's supervisor.

8 Q Do you see at the bottom of this

9 exhibit the first e-mail is from

10 Mr. Robinowitz to Ms. Guzman. The subject

11 is: "Committees, organizations, Hispanic

12 journalists conferences."

13 Do you see that?

14 A I do.

15 Q Next page, Mr. Robinowitz asks

16 Ms. Guzman, "Can you please e-mail the

17 following two items to me today."

18 And the first item on it was "The

19 list of The New York Post/News Corp.

20 committees you serve on as well as any

21 professional organizations you are a part

22 of."

23 Do you see that?

24 A I do.

25 Q Do you see Ms. Guzman responded on

Page 214	Page 215
<p>1 JORDAN LIPPNER</p> <p>2 Page 4 of your position statement, which is</p> <p>3 Bates stamped NYP-7.</p> <p>4 A Yes.</p> <p>5 Q Now, isn't it correct, Mr. Lippner,</p> <p>6 that the information you put in this EEOC</p> <p>7 statement was accurate at the time, correct?</p> <p>8 A I believe so.</p> <p>9 Q You would not want to mislead the</p> <p>10 EEOC, would you?</p> <p>11 A I believe in being accurate,</p> <p>12 Mr. Thompson.</p> <p>13 Q And as far as you know today,</p> <p>14 everything contained in this EEOC position</p> <p>15 statement is accurate, correct?</p> <p>16 A I believe so.</p> <p>17 Q You reviewed it before you</p> <p>18 submitted it to the EEOC, correct?</p> <p>19 A Yes.</p> <p>20 Q Direct your attention to Page 4.</p> <p>21 There is a headline you had there,</p> <p>22 "The Post Commitment to Equal Opportunity."</p> <p>23 Do you see that?</p> <p>24 A Yes.</p> <p>25 Q You state "During the course of</p>	<p>1 JORDAN LIPPNER</p> <p>2 charging party's employment, The Post has</p> <p>3 maintaining equal employment policy which is</p> <p>4 distributed to all employees."</p> <p>5 Do you see that?</p> <p>6 A I do.</p> <p>7 Q Now, for the record, "charging</p> <p>8 party" refers to Sandra Guzman, correct?</p> <p>9 A Yes, sir.</p> <p>10 Q So you are stating in this</p> <p>11 particular EEOC statement on Page 4 that</p> <p>12 during Ms. Guzman's employment, The Post</p> <p>13 maintained an equal employment policy,</p> <p>14 correct?</p> <p>15 A That is correct.</p> <p>16 Q And that policy was distributed to</p> <p>17 all employees, right?</p> <p>18 A That is correct.</p> <p>19 Q How is that policy distributed to</p> <p>20 all employees?</p> <p>21 A It's part of the new hire packet.</p> <p>22 Any time an employee gets hired.</p> <p>23 Q What do you mean "part of the new</p> <p>24 hire packet"?</p> <p>25 A When an employee gets hired, there</p>
Page 216	Page 217
<p>1 JORDAN LIPPNER</p> <p>2 are all kinds of documents and forms that</p> <p>3 they are provided with.</p> <p>4 Everything from filling out their</p> <p>5 healthcare elections to giving them</p> <p>6 different policy documents of the company,</p> <p>7 whether it's The New York Post travel</p> <p>8 reimbursement policy or the Standards of</p> <p>9 Business Conduct or any other document that</p> <p>10 The Post provides to its employees.</p> <p>11 Q In that paragraph, top paragraph on</p> <p>12 Page 4, you state "The company's Equal</p> <p>13 Employment Opportunity philosophy applies to</p> <p>14 all aspects of employment with the company."</p> <p>15 Do you see that?</p> <p>16 A I do.</p> <p>17 Q What company were you referring?</p> <p>18 A The New York Post.</p> <p>19 Q And then you write "including but</p> <p>20 not limited to recruiting, hiring, training,</p> <p>21 transfer, promotion, employee benefits,</p> <p>22 compensation, termination, educational</p> <p>23 assistance, leave of absence, and social and</p> <p>24 recreation activities."</p> <p>25 Do you see that?</p>	<p>1 JORDAN LIPPNER</p> <p>2 A I absolutely do.</p> <p>3 Q Now, you also made it a point to</p> <p>4 the EEOC to let them know that you say "In</p> <p>5 addition, through this policy The Post</p> <p>6 informs its employees how they may make</p> <p>7 complaints about any perceived unlawful</p> <p>8 treatment."</p> <p>9 Do you see that?</p> <p>10 A I do.</p> <p>11 Q How did The New York Post inform</p> <p>12 its employees how to make complaints about</p> <p>13 any perceived unlawful treatment?</p> <p>14 MR. LERNER: Objection.</p> <p>15 Q When Ms. Guzman worked at the</p> <p>16 company.</p> <p>17 MR. LERNER: Objection.</p> <p>18 I don't believe this question is</p> <p>19 within the scope of the 30(b)(6).</p> <p>20 MR. THOMPSON: I'm not going to</p> <p>21 fight you on that. I have a more</p> <p>22 pressing matter.</p> <p>23 Q I want to direct your attention to</p> <p>24 the statement -- you actually attached a</p> <p>25 copy of The Post EEOC policy in Exhibit 1,</p>



<p style="text-align: right;">Page 218</p> <p>1 JORDAN LIPPNER</p> <p>2 correct?</p> <p>3 A I did.</p> <p>4 Q In fact, on Page 4 you say "A true</p> <p>5 and correct copy of The Post's EEO policy is</p> <p>6 attached as Exhibit 1," correct?</p> <p>7 A That's correct.</p> <p>8 Q Let's look at Exhibit 1 of this</p> <p>9 EEOC position statement.</p> <p>10 And you will find that on</p> <p>11 Page NYP-20.</p> <p>12 You see where it says "Exhibit 1"?</p> <p>13 A I do.</p> <p>14 Q And then you go on, you included</p> <p>15 this exhibit which is entitled Equal</p> <p>16 Employment Opportunity, Unlawful Harassment,</p> <p>17 correct?</p> <p>18 A That is correct.</p> <p>19 Q Now, so when you were referring to</p> <p>20 a true and correct copy of The Post EEO</p> <p>21 policy, the EEO policy is actually contained</p> <p>22 in Exhibit 1, correct?</p> <p>23 A Yes.</p> <p>24 Q Now, is this the policy that New</p> <p>25 York Post employees were expected to follow</p>	<p style="text-align: right;">Page 219</p> <p>1 JORDAN LIPPNER</p> <p>2 when Ms. Guzman worked there?</p> <p>3 A It is one of the policies, yeah.</p> <p>4 Q One of the policies that New York</p> <p>5 Post employees were expected to follow,</p> <p>6 correct?</p> <p>7 A Correct. Absolutely.</p> <p>8 Q Is this a policy of News</p> <p>9 Corporation?</p> <p>10 A It's a policy that was originally</p> <p>11 promulgated by News Corporation.</p> <p>12 Q How do you know that this is a</p> <p>13 policy originally promulgated by News</p> <p>14 Corporation?</p> <p>15 A Because I know where it comes from.</p> <p>16 Q Where does it come from?</p> <p>17 A It comes from the News Corporation</p> <p>18 Standards of Business Conduct.</p> <p>19 Q So the record is clear, when you</p> <p>20 were describing this policy to the EEOC,</p> <p>21 this EEO policy, you were talking about a</p> <p>22 policy that was created by News Corporation,</p> <p>23 correct?</p> <p>24 A I was talking about a policy that</p> <p>25 The New York Post uses as its fair work</p>
<p style="text-align: right;">Page 220</p> <p>1 JORDAN LIPPNER</p> <p>2 environment policy.</p> <p>3 Q Yes. But that policy was created</p> <p>4 by News Corporation, correct?</p> <p>5 MR. LERNER: Objection.</p> <p>6 A I mean, I've already stated that</p> <p>7 that's the case.</p> <p>8 Q Okay.</p> <p>9 So is it fair to say that when</p> <p>10 Ms. Guzman worked at The New York Post, she</p> <p>11 was expected to follow the EEOC policy</p> <p>12 created by News Corporation?</p> <p>13 MR. LERNER: Objection.</p> <p>14 A When Ms. Guzman worked at The New</p> <p>15 York Post, she was expected to comply with</p> <p>16 the Standards of Business Conduct, among</p> <p>17 other policy documents which were provided</p> <p>18 to her by The Post.</p> <p>19 The Post uses the News Corporation</p> <p>20 Standards of Business Conduct which among</p> <p>21 other things contains a fair work</p> <p>22 environment policy or as the section is</p> <p>23 called Equal Opportunity and Unlawful</p> <p>24 Harassment.</p> <p>25 There's no factual dispute that the</p>	<p style="text-align: right;">Page 221</p> <p>1 JORDAN LIPPNER</p> <p>2 document Standards of Business Conduct</p> <p>3 originates from the parent company.</p> <p>4 (Lippner Exhibit 10, Standards</p> <p>5 of Business Conduct, Bates Numbers</p> <p>6 NYP-58 through NYP-75, was marked</p> <p>7 for Identification.)</p> <p>8 BY MR. THOMPSON:</p> <p>9 Q Mr. Lippner, I'm now showing you</p> <p>10 what's been marked Lippner Deposition</p> <p>11 Exhibit 10. It's Bates stamped NYP-58</p> <p>12 through NY-P75.</p> <p>13 And I'll represent to you that the</p> <p>14 defendant, The New York Post, produced this</p> <p>15 document in discovery.</p> <p>16 Please take a moment and look it</p> <p>17 and tell us if you recognize it.</p> <p>18 Do you recognize it?</p> <p>19 A I do.</p> <p>20 Q What is it?</p> <p>21 A It is one of the versions of the</p> <p>22 Standards of Business Conduct.</p> <p>23 Q And this is News Corporation's</p> <p>24 Standards of Business Conduct, correct?</p> <p>25 A It is both News Corporation's and</p>



<p style="text-align: right;">Page 230</p> <p>1 JORDAN LIPPNER</p> <p>2 to these News Corp. Standards of Business</p> <p>3 Conduct, if an employee violated these</p> <p>4 standards, they could be terminated?</p> <p>5 A As I said, you are asking a</p> <p>6 hypothetical question whether or not someone</p> <p>7 could be disciplined. Whether they could be</p> <p>8 disciplined at this point can result in</p> <p>9 their discharge, you know, is a</p> <p>10 determination that could only be made by</p> <p>11 that employee's supervisor in conjunction</p> <p>12 likely with that company's HR Department.</p> <p>13 It's not -- there's no answer -- if</p> <p>14 we flip through every page of the Standards</p> <p>15 of Business Conduct, we are not going to</p> <p>16 find anywhere where it states, for example,</p> <p>17 if you do X, you'll be disciplined in this</p> <p>18 way, if you do Y, you'll be disciplined in</p> <p>19 that way. That's not what this document</p> <p>20 means.</p> <p>21 Q Let me ask you this: Where it says</p> <p>22 in this document "board of directors of the</p> <p>23 company," as the 30(b)(6) witness for News</p> <p>24 Corporation and The New York Post, what</p> <p>25 board of directors is referred to there?</p>	<p style="text-align: right;">Page 231</p> <p>1 JORDAN LIPPNER</p> <p>2 A I don't know.</p> <p>3 Based on the way the Standards is</p> <p>4 written, I would take that to mean the board</p> <p>5 of directors of that particular company, but</p> <p>6 I don't know. It could be either. But then</p> <p>7 I already said that to you.</p> <p>8 Q Mr. Lippner, we don't want you to</p> <p>9 guess.</p> <p>10 A I don't want to guess either. And</p> <p>11 as I said to you, I don't know what it</p> <p>12 refers to.</p> <p>13 Q Mr. Lippner, you are here as the</p> <p>14 30(b)(6) witness for News Corp. and The New</p> <p>15 York Post. Is it your testimony that you</p> <p>16 have no idea what board of directors it</p> <p>17 referred to when it states "These standards</p> <p>18 have been adopted by the board of directors</p> <p>19 of the Company"?</p> <p>20 MR. LERNER: Objection. Asked</p> <p>21 and answered twice already.</p> <p>22 MR. THOMPSON: Not this</p> <p>23 question, Mr. Lerner.</p> <p>24 MR. LERNER: No. Yeah. This</p> <p>25 question is just said in a more</p>
<p style="text-align: right;">Page 232</p> <p>1 JORDAN LIPPNER</p> <p>2 combative and obstructive way.</p> <p>3 MR. THOMPSON: It's not said in</p> <p>4 a more combative way. It's said in a</p> <p>5 more specific way to make it clear.</p> <p>6 A Mr. Thompson, you can add a</p> <p>7 different word or two to your question or</p> <p>8 change your tone of voice, as you have. I</p> <p>9 can't answer your question in any other way</p> <p>10 than the way I already have.</p> <p>11 Q Well, Mr. Lippner, you knew you had</p> <p>12 to provide testimony at this deposition</p> <p>13 today in these federal lawsuits against the</p> <p>14 company.</p> <p>15 Did you endeavor in preparing for</p> <p>16 your deposition today to determine which</p> <p>17 board of directors is referred to when it</p> <p>18 says "board of directors of the Company"?</p> <p>19 A No.</p> <p>20 Q Why not?</p> <p>21 A I didn't deem it part of my</p> <p>22 preparation for the 30(b)(6) Notice.</p> <p>23 Q So Mr. Lippner, is it correct that</p> <p>24 as you sit here today as a 30(b)(6) witness</p> <p>25 for the News Corp. and The New York Post,</p>	<p style="text-align: right;">Page 233</p> <p>1 JORDAN LIPPNER</p> <p>2 that you do not know the identity of any</p> <p>3 members of the board of directors referred</p> <p>4 to in this particular Standards of Business</p> <p>5 Conduct?</p> <p>6 MR. LERNER: Objection.</p> <p>7 A Ken, I don't know what you expect</p> <p>8 me to answer. I've given you my answer.</p> <p>9 Q And the answer is you don't know?</p> <p>10 A I think four or five times I've</p> <p>11 said that.</p> <p>12 Q Mr. Lippner, I want to direct your</p> <p>13 attention to the page Bates stamped NYP-68.</p> <p>14 A Okay.</p> <p>15 Q Do you see where it stays "Fair</p> <p>16 Work Environment"?</p> <p>17 A I do.</p> <p>18 Q Now, when you did training of New</p> <p>19 York Post employees regarding fair work</p> <p>20 environment, did you use this particular</p> <p>21 policy as part of your training?</p> <p>22 A It depends what particular training</p> <p>23 session we're talking about, what documents</p> <p>24 were used.</p> <p>25 If you are asking me have I ever</p>

<p style="text-align: right;">Page 234</p> <p>1 JORDAN LIPPNER</p> <p>2 used it, I'm sure I've used it.</p> <p>3 Q Where it says "B, Fair Work</p> <p>4 Environment." It says "the Company."</p> <p>5 A Yes.</p> <p>6 Q Is it your understanding that the</p> <p>7 company referred to there is News</p> <p>8 Corporation?</p> <p>9 A No. It would depend on who I was</p> <p>10 doing the training for. If I was doing the</p> <p>11 training for The New York Post, "the</p> <p>12 Company" would refer to The New York Post.</p> <p>13 Q Wait. Let me ask it differently.</p> <p>14 Is it your testimony, Mr. Lippner,</p> <p>15 that the policies stated in the Fair Work</p> <p>16 Environment section on NYP-68 are News Corp.</p> <p>17 policies?</p> <p>18 A No -- well, again it depends on the</p> <p>19 situation.</p> <p>20 Q What do you mean "it depends on the</p> <p>21 situation"?</p> <p>22 A Well, as I've already testified,</p> <p>23 these policies -- and it states quite</p> <p>24 clearly, I think it was the third page of</p> <p>25 this exhibit, that the use of the word</p>	<p style="text-align: right;">Page 235</p> <p>1 JORDAN LIPPNER</p> <p>2 "Company" refers to interchangeably News</p> <p>3 Corporation as well as the particular -- you</p> <p>4 know, the various individual companies that</p> <p>5 the company -- that News Corporation owns</p> <p>6 throughout the world.</p> <p>7 So if I am, for example, a -- I'm a</p> <p>8 News America Incorporated employee, when I</p> <p>9 read this document and I read the words "the</p> <p>10 Company," I could replace the words "the</p> <p>11 Company" each time that appears with the</p> <p>12 words "News America Incorporated."</p> <p>13 Likewise, if I'm a New York Post</p> <p>14 employee, I could replace the words "the</p> <p>15 Company" with "The New York Post maintains a</p> <p>16 strong equal employment." Et cetera.</p> <p>17 Q Okay, the policy reflected in the</p> <p>18 Fair Work Environment is a policy</p> <p>19 promulgated by News Corporation, correct?</p> <p>20 MR. LERNER: Objection.</p> <p>21 A The entire document was originally</p> <p>22 adopted, as we've discussed, by the News</p> <p>23 Corporation staff, board of directors.</p> <p>24 I don't know what you by</p> <p>25 "promulgate."</p>
<p style="text-align: right;">Page 236</p> <p>1 JORDAN LIPPNER</p> <p>2 Q Well, earlier you mentioned</p> <p>3 "promulgate," did you not?</p> <p>4 MR. LERNER: He's not finished.</p> <p>5 A I'm not finished with my answer.</p> <p>6 Q Okay.</p> <p>7 A Since we're dealing with</p> <p>8 Ms. Guzman, Mr. Fenner, Ms. Livingston, all</p> <p>9 of whom are New York Post employees, I will</p> <p>10 tailor my answer accordingly.</p> <p>11 This document, Standards of</p> <p>12 Business Conduct, is utilized and</p> <p>13 disseminated by The New York Post for its</p> <p>14 employees, and The New York Post requires</p> <p>15 its employees to comply with the policies</p> <p>16 set forth herein.</p> <p>17 These policies are New York Post</p> <p>18 policies.</p> <p>19 Q Okay.</p> <p>20 My question is different now: Is</p> <p>21 the policy set forth in the Fair Work</p> <p>22 Employment section a policy that was adopted</p> <p>23 by the board of directors of News</p> <p>24 Corporation?</p> <p>25 A The entire document, the entire</p>	<p style="text-align: right;">Page 237</p> <p>1 JORDAN LIPPNER</p> <p>2 Standards of Business Conduct, was</p> <p>3 originally adopted by News Corp.'s board of</p> <p>4 directors.</p> <p>5 Q So News Corp.'s board of directors</p> <p>6 adopted a policy reflected in the Fair Work</p> <p>7 Environment section that New York Post</p> <p>8 employees had to abide by during</p> <p>9 Ms. Guzman's employment, correct?</p> <p>10 A New York Post employees had to</p> <p>11 abide by the Fair Work Environment section</p> <p>12 because The New York Post requires its</p> <p>13 employees to do so.</p> <p>14 Q Can The New York Post adopt its own</p> <p>15 policies regarding Fair Work Environment</p> <p>16 separate and apart from any policy</p> <p>17 promulgated by News Corporation?</p> <p>18 A It can.</p> <p>19 Q Has it done so, as far as you know?</p> <p>20 A I believe The New York Post used</p> <p>21 to -- I don't know if it's still does --</p> <p>22 have a stand-alone fair work environment</p> <p>23 policy that was not a policy that was</p> <p>24 contained in the Standards of Business</p> <p>25 Conduct.</p>

<p style="text-align: right;">Page 238</p> <p>1 JORDAN LIPPNER</p> <p>2 Q When did that occur?</p> <p>3 A I know such policy existed while</p> <p>4 Ms. Guzman was employed.</p> <p>5 The Post has adopted lots of</p> <p>6 policies on its own for its employees.</p> <p>7 You know, News Corporation doesn't</p> <p>8 get involved on a micro level with how</p> <p>9 The New York Post polices its own employees.</p> <p>10 Q When you see the term "The Company</p> <p>11 will endeavor to keep the workplace free of</p> <p>12 any conduct that creates an intimidating,</p> <p>13 hostile or abusive work environment," is it</p> <p>14 your understanding that the company referred</p> <p>15 there includes News Corporation?</p> <p>16 A No.</p> <p>17 Q I want to direct your attention to</p> <p>18 Page 60, NYP-60, again at the top.</p> <p>19 A Okay.</p> <p>20 Q Can you read into the record the</p> <p>21 first sentence of these Standards of</p> <p>22 Business Conduct?</p> <p>23 A Sure. "News Corporation, the</p> <p>24 Company, has a firmly established policy of</p> <p>25 conducting its affairs in compliance with</p>	<p style="text-align: right;">Page 239</p> <p>1 JORDAN LIPPNER</p> <p>2 all applicable laws and regulations and</p> <p>3 observing the highest standards of business</p> <p>4 ethics."</p> <p>5 Q Now, Mr. Lippner, as someone who</p> <p>6 has worked as an attorney for News America</p> <p>7 Incorporated for many years, would you agree</p> <p>8 that the term "Company" in that sentence</p> <p>9 means News Corporation?</p> <p>10 MR. LERNER: Objection.</p> <p>11 A What I would agree is that in this</p> <p>12 document, the word "the Company" changes</p> <p>13 depending on where you are employed.</p> <p>14 If you are a New York Post</p> <p>15 employee, the word "the Company" means</p> <p>16 The New York Post. If you are a News</p> <p>17 Corporation employee, it means the News</p> <p>18 Corporation.</p> <p>19 Q I want you to show us, Mr. Lippner,</p> <p>20 and take your time, where it says that</p> <p>21 anywhere in this document, that the term</p> <p>22 "company" changes depending on where you</p> <p>23 work within the family of the News Corp.</p> <p>24 companies.</p> <p>25 I want you to show us. Take your</p>
<p style="text-align: right;">Page 240</p> <p>1 JORDAN LIPPNER</p> <p>2 time. Don't rush. Show us anywhere where</p> <p>3 it says that in this document.</p> <p>4 A Sure. I believe it says that in</p> <p>5 the next sentence of the next paragraph.</p> <p>6 Q Okay.</p> <p>7 Point us to the language that says</p> <p>8 that.</p> <p>9 A First the paragraph states that the</p> <p>10 standards apply to all the subs, and then it</p> <p>11 specifically says "References to the Company</p> <p>12 include its subsidiaries and divisions."</p> <p>13 So that is why I say to you, Ken,</p> <p>14 that when the word "the company" appears</p> <p>15 here, if you are a New York Post employee,</p> <p>16 it means The New York Post.</p> <p>17 If you are a HarperCollins</p> <p>18 employee, it means the HarperCollins. If</p> <p>19 you are a News America Marketing employee,</p> <p>20 the phrase "the company" means America</p> <p>21 Marketing, and so on.</p> <p>22 Q But at the end of the day, whether</p> <p>23 you work for The New York Post or Harpers</p> <p>24 Collins, the bottom line is these policies</p> <p>25 were created by News Corporation, correct?</p>	<p style="text-align: right;">Page 241</p> <p>1 JORDAN LIPPNER</p> <p>2 A These policies, for the umpteenth</p> <p>3 time, were as it states adopted by the board</p> <p>4 of directors of News Corporation.</p> <p>5 Q So is it fair to say, Mr. Lippner,</p> <p>6 that the board of directors at News</p> <p>7 Corporation adopted policies that affect the</p> <p>8 workplace at The New York Post?</p> <p>9 A It's fair to say that the board of</p> <p>10 directors of News Corporation adopted</p> <p>11 policies that when accepted by the various</p> <p>12 divisions, and more specifically in this</p> <p>13 case The New York Post, and disseminated to</p> <p>14 its employees, that policy affects those</p> <p>15 employees.</p> <p>16 Q And the term "the Company" includes</p> <p>17 all subsidiaries of News Corporation,</p> <p>18 correct?</p> <p>19 A The term "the Company" means</p> <p>20 whichever company you are employed by.</p> <p>21 Q Show me where it says that in the</p> <p>22 document, Mr. Lippner. Take your time.</p> <p>23 A Ken, Paragraph 2, "References to</p> <p>24 the Company include its subsidiaries."</p> <p>25 Q I understand that. It says "it</p>

<p style="text-align: right;">Page 302</p> <p>1 JORDAN LIPPNER</p> <p>2 Q How do you know she was involved in</p> <p>3 putting out the Electronic Communications</p> <p>4 Policy that's reflected in this particular</p> <p>5 deposition exhibit?</p> <p>6 A Because I discussed it with her.</p> <p>7 Q Were there any other News Corp.</p> <p>8 employees or lawyers who were involved for</p> <p>9 putting out the Electronic Communications</p> <p>10 Policy?</p> <p>11 A Yes.</p> <p>12 Q Who else?</p> <p>13 A The head of -- the then head of</p> <p>14 News Corporation's Information Technology</p> <p>15 Department was involved. I was involved.</p> <p>16 Q Who was the head --</p> <p>17 A I'm sure that general counsel was</p> <p>18 involved.</p> <p>19 I don't remember who else may have</p> <p>20 been involved.</p> <p>21 Q I want you to identify the person</p> <p>22 you referred to as being a part of the</p> <p>23 technical -- I think you said technical --</p> <p>24 A I said Information Technology</p> <p>25 Department.</p>	<p style="text-align: right;">Page 303</p> <p>1 JORDAN LIPPNER</p> <p>2 Q Who was that?</p> <p>3 A I don't recall who that was at the</p> <p>4 time.</p> <p>5 Q Was he a News Corp. or she a News</p> <p>6 Corp. employee?</p> <p>7 A I don't recall if he or she was a</p> <p>8 News Corp. employee or News America</p> <p>9 Incorporated employee.</p> <p>10 Q So when you and the other attorney</p> <p>11 from News Corp. discussed the Electronic</p> <p>12 Communications Policy, was it your</p> <p>13 understanding that New York Post employees</p> <p>14 had to comply with it?</p> <p>15 A It was my understanding that when</p> <p>16 the policy was finalized, with one exception</p> <p>17 that I'll state, all employees around the</p> <p>18 world and including The New York Post and</p> <p>19 every subsidiary of News Corporation would</p> <p>20 have to comply with the policy. The</p> <p>21 exception being that it was -- we couldn't</p> <p>22 draft the policy that would take into</p> <p>23 account all the restrictions or requirements</p> <p>24 under different laws around the world.</p> <p>25 And so to the extent that there was</p>
<p style="text-align: right;">Page 304</p> <p>1 JORDAN LIPPNER</p> <p>2 something in the policy that a particular</p> <p>3 jurisdiction would have made unlawful, that</p> <p>4 part of the policy would not have applied to</p> <p>5 those employees working at a particular</p> <p>6 company in that location.</p> <p>7 Q Did News Corporation disseminate</p> <p>8 this Electronic Communications Policy to New</p> <p>9 York Post employees?</p> <p>10 MR. LERNER: Objection.</p> <p>11 A No. New York Post disseminated</p> <p>12 that policy to its own employees.</p> <p>13 Q Did News Corp. disseminate the</p> <p>14 Electronic Communications Policy to anyone</p> <p>15 at The New York Post to forward on to New</p> <p>16 York Post employees?</p> <p>17 A Yes.</p> <p>18 Q Who at News Corp. disseminated the</p> <p>19 Electronic Communications Policy to someone</p> <p>20 at The New York Post to distribute to New</p> <p>21 York Post employees?</p> <p>22 A I don't know.</p> <p>23 Q When did the Electronic</p> <p>24 Communications Policy get disseminated to</p> <p>25 New York Post employees?</p>	<p style="text-align: right;">Page 305</p> <p>1 JORDAN LIPPNER</p> <p>2 A I don't recall when it was first</p> <p>3 promulgated, first created.</p> <p>4 Q Well, is it still in effect to this</p> <p>5 day?</p> <p>6 A Yes.</p> <p>7 Q Was it in effect during Sandra</p> <p>8 Guzman's employment?</p> <p>9 A Perhaps not at the start, but</p> <p>10 certainly during her employment, yes.</p> <p>11 Q Was she expected to comply with</p> <p>12 that policy during her employment?</p> <p>13 A I would imagine The New York Post</p> <p>14 expected her to comply. That's what this</p> <p>15 document says.</p> <p>16 Q Was Austin Fenner expected to</p> <p>17 comply with this policy when he worked at</p> <p>18 the company?</p> <p>19 A Same answer.</p> <p>20 Q Was Irkimulisa Livingston expected</p> <p>21 to comply with this policy?</p> <p>22 A Same answer.</p> <p>23 Q Were News Corporation employees</p> <p>24 expected to comply with the Electronic</p> <p>25 Communications Policy when Ms. Guzman worked</p>



Page 310

JORDAN LIPPNER

A I believe it states and stated that employees could be subject to discipline for violations.

I don't recall whether or not it specifically said that they would be subject to termination.

Q Do you know if only one version of the communications -- strike that.

Do you know if only one version of the Electronic Communications Policy was disseminated to New York Post employees during your employment?

A During whose employment?

Q Your employment.

A During my employment there have been I believe two iterations of the Electronic Communications Policy.

Q Okay.

Do you know when the first version of the Electronic Communications Policy came out?

A I want to say roughly 2004.

Q And when did the second version of the Electronic Communications Policy come

Page 311

JORDAN LIPPNER

out?

A I'm not exactly sure.

Q Do you have any idea as the 30B -- do you have any idea as a 30(b)(6) witness for News Corp. and The New York Post when the second version of the Electronic Communications Policy was disseminated?

A I think it came out about three to four years ago.

Q How did the second version of the Electronic Communications Policy differ from the first version?

A There were word cleanups. It was streamlined a bit. The original version had been repetitive in the sense of employees being cautioned about the same kind of thing not to do in multiple sections of the document.

I think those were the principal changes.

Q Do you know if any News Corporation attorneys were involved in creating the second version of the Electronic Communications Policy?

Page 312

JORDAN LIPPNER

A I do.

Q I want you to identify the News Corporation attorneys who were involved in creating the second version of that document?

A Ellen Agress.

Q Anyone else?

A Not to my knowledge.

Q Do you know if any other News Corporation employees were involved in creating the second version of the Electronic Communications Policy?

A I do not.

Q Were you involved in that?

A I was not.

Q How do you know that Ms. Agress was involved in creating the second version of the Electronic Communications Policy?

A I remember talking to her about it.

Q What did she say about it?

A She told me how she was working on it.

Q Do you know how that second version of the company's Electronic Communications

Page 313

JORDAN LIPPNER

Policy was disseminated to employees at The New York Post?

A I don't know if it was e-mailed to them, handed to them. No, I don't know the method that was used.

Q The next document listed in this Exhibit Bates stamped NYP-97 is entitled New York Post E-mail Policy.

Do you see that?

A I do.

Q When did that policy go into effect?

A I don't know.

Q Is that policy still in effect?

A I don't know.

Q What does that policy say?

A I have no idea.

Q Mr. Lippner, you are here as a 30(b)(6) witness to cover the areas that we set forth in our Deposition Notice, correct?

A Correct.

Q And in our Deposition Notice that we sent, it states that "The 30(b)(6) witness should be prepared to explain how

Page 318	Page 319
<p>1 JORDAN LIPPNER</p> <p>2 this deposition, can you tell us anything</p> <p>3 that The New York Post E-mail Policy states?</p> <p>4 A No.</p> <p>5 MR. LERNER: Objection.</p> <p>6 Q Mr. Lippner, the next policy listed</p> <p>7 is New York Post Cellphone Policy.</p> <p>8 You see that?</p> <p>9 A I do.</p> <p>10 Q When did that go into effect?</p> <p>11 A I cannot tell you.</p> <p>12 Q Is it still in effect?</p> <p>13 A It is.</p> <p>14 Q Who created that policy?</p> <p>15 A The New York Post.</p> <p>16 Q Who at The New York Post?</p> <p>17 A I cannot tell you.</p> <p>18 Q Did any News Corp. employee have</p> <p>19 any role in creating The New York Post</p> <p>20 Cellphone Policy?</p> <p>21 A No.</p> <p>22 Q How do you know that someone at</p> <p>23 The New York Post created The New York Post</p> <p>24 Cellphone Policy?</p> <p>25 A Because I reviewed it with New York</p>	<p>1 JORDAN LIPPNER</p> <p>2 Post HR.</p> <p>3 Q Who in New York Post HR did you</p> <p>4 review The New York Post Cellphone Policy</p> <p>5 with?</p> <p>6 A I believe it was Amy Saldone.</p> <p>7 Q When did you review The New York</p> <p>8 Post Cellphone Policy with Ms. Saldone?</p> <p>9 A I can't tell you that.</p> <p>10 Q What year?</p> <p>11 A I just said I can't tell you that.</p> <p>12 Q Tell us what The New York Post</p> <p>13 Cellphone Policy says.</p> <p>14 A I already told you I can't tell you</p> <p>15 what it says.</p> <p>16 Q No, you didn't tell me that. We</p> <p>17 talked about The New York Post E-mail</p> <p>18 Policy, and that's a different policy.</p> <p>19 A And that was one of the first</p> <p>20 questions, Mr. Thompson, to me when you</p> <p>21 moved on was what does it say, and I and</p> <p>22 said to you I don't recall what it says.</p> <p>23 And I will reiterate, if you would</p> <p>24 like to provide me with copy of the</p> <p>25 document, I'd be happy to discuss what it</p>
Page 320	Page 321
<p>1 JORDAN LIPPNER</p> <p>2 says.</p> <p>3 Q Mr. Lippner, you are the 30(b)(6)</p> <p>4 witness who knows these policies very well,</p> <p>5 correct?</p> <p>6 MR. LERNER: Objection.</p> <p>7 Q Yes.</p> <p>8 A Is there a question?</p> <p>9 Q Yes.</p> <p>10 A What's the question?</p> <p>11 MR. THOMPSON: Can you read it</p> <p>12 back.</p> <p>13 (Requested portion of record read:</p> <p>14 "Q. Mr. Lippner, you are the</p> <p>15 30(b)(6) witness who knows these policies</p> <p>16 very well, correct?")</p> <p>17 (End of read-back.)</p> <p>18 A Mr. Thompson, what I'm is a</p> <p>19 30(b)(6) witness who can tell you which</p> <p>20 policies apply to The New York Post</p> <p>21 employees and which policies apply to News</p> <p>22 Corporation employees.</p> <p>23 That is why I'm here today. I'm</p> <p>24 not here so that I can give you a recital of</p> <p>25 the substance of each such policy.</p>	<p>1 JORDAN LIPPNER</p> <p>2 Q I'm not asking you to give me a</p> <p>3 recital of the substance of each such</p> <p>4 policy. I'm asking you as 30(b)(6) witness</p> <p>5 to tell us one thing The New York Post</p> <p>6 Cellphone Policy says.</p> <p>7 MR. LERNER: And what is the</p> <p>8 relevance of what the cellphone</p> <p>9 policy says to this matter?</p> <p>10 MR. THOMPSON: Because the</p> <p>11 relevance, Mr. Lerner, this witness</p> <p>12 was supposed to come here with</p> <p>13 knowledge of employee policies, and</p> <p>14 he is completely clueless.</p> <p>15 MR. LERNER: No, that's not an</p> <p>16 answer to what the relevance is.</p> <p>17 MR. THOMPSON: I'm answering</p> <p>18 your question. You may not like my</p> <p>19 answer.</p> <p>20 This is a witness who has an</p> <p>21 obligation to sit here and answer</p> <p>22 questions about the application of</p> <p>23 The New York Post employment policies.</p> <p>24 He's got to know what those policies say.</p> <p>25 MR. LERNER: I disagree with</p>



<p style="text-align: right;">Page 326</p> <p>1 JORDAN LIPPNER</p> <p>2 A I do. And he did.</p> <p>3 Q Who was if at the time?</p> <p>4 A Lon Jacobs.</p> <p>5 Q Do you know if anyone at News</p> <p>6 Corporation approved The New York Post</p> <p>7 E-mail Policy before it was put into effect?</p> <p>8 A No one at News Corporation had</p> <p>9 anything to do with The New York Post E-mail</p> <p>10 Policy.</p> <p>11 Q Do you know if anyone at News</p> <p>12 Corporation approved The New York Post</p> <p>13 Cellphone Policy before it was put into</p> <p>14 effect?</p> <p>15 A No one at News Corporation had</p> <p>16 anything to do with The New York Post</p> <p>17 Cellphone Policy.</p> <p>18 Q Do you know if anyone at News</p> <p>19 America Incorporated approved The New York</p> <p>20 Post E-mail Policy before it was put into</p> <p>21 effect?</p> <p>22 A Same answer. No one at News</p> <p>23 America Incorporated had anything to do with</p> <p>24 The New York Post E-mail Policy.</p> <p>25 Q Same question regarding The New</p>	<p style="text-align: right;">Page 327</p> <p>1 JORDAN LIPPNER</p> <p>2 York Post Cellphone Policy.</p> <p>3 A No one at News America Incorporated</p> <p>4 had any approval -- involvement with The New</p> <p>5 York Post Cellphone Policy.</p> <p>6 Q Do you know if there had been</p> <p>7 different versions of The New York Post</p> <p>8 Cellphone Policy distributed to New York</p> <p>9 Post employees?</p> <p>10 A I do not.</p> <p>11 Q Now, looking at this Exhibit Bates</p> <p>12 stamped NYP-97, it also states "News</p> <p>13 Corporation Records Management Policy."</p> <p>14 Do you know if that policy was ever</p> <p>15 put into effect?</p> <p>16 A I do.</p> <p>17 Q Do you know when the News</p> <p>18 Corporation Records Management Policy became</p> <p>19 effective?</p> <p>20 A I don't.</p> <p>21 Q Do you know if any News Corporation</p> <p>22 employee approved the News Corporation</p> <p>23 Records Management Policy before it became</p> <p>24 effective?</p> <p>25 A I know the News Corporation Record</p>
<p style="text-align: right;">Page 328</p> <p>1 JORDAN LIPPNER</p> <p>2 Management Policy was created by News</p> <p>3 Corporation.</p> <p>4 I know that Genie Gavenchak, Ellen</p> <p>5 Agress, the group general counsel were</p> <p>6 involved in creating and finalizing the</p> <p>7 policy. There may have been other people.</p> <p>8 I know that, for example -- I</p> <p>9 believe I contributed, for example, to</p> <p>10 giving them reference for how long you need</p> <p>11 to keep employment-related documents based</p> <p>12 on relevant stats at issue.</p> <p>13 Whether there is a business</p> <p>14 executive at News Corp. who had the final</p> <p>15 say or it was the group general counsel's</p> <p>16 final say, I can't answer that question.</p> <p>17 Q Besides your involvement, do you</p> <p>18 know if any other News America Incorporated</p> <p>19 employee was involved in the creation of the</p> <p>20 News Corporation Records Management Policy?</p> <p>21 A I do not.</p> <p>22 Q Do you know if that particular</p> <p>23 policy is still in effect today?</p> <p>24 A It is.</p> <p>25 Q And does that policy apply to New</p>	<p style="text-align: right;">Page 329</p> <p>1 JORDAN LIPPNER</p> <p>2 York Post employees?</p> <p>3 A I believe that the News Corporation</p> <p>4 Records Management Policy applies to News</p> <p>5 Corporation as well as to all of its wholly</p> <p>6 owned subsidiaries.</p> <p>7 Q Do you know if this News</p> <p>8 Corporation Records Management Policy was in</p> <p>9 effect during Ms. Guzman's employment as an</p> <p>10 associate editor?</p> <p>11 A When Ms. Guzman was employed by</p> <p>12 The Post as an associate editor, I believe</p> <p>13 that this policy -- I'm not a hundred</p> <p>14 percent positive. I believe that it was</p> <p>15 promulgated towards the end of her</p> <p>16 employment at The Post but I'm not positive.</p> <p>17 I'd be happy to give you a</p> <p>18 supplemental answer on that if you would</p> <p>19 like.</p> <p>20 Q Who has responsibility for</p> <p>21 enforcing News Corporations Record</p> <p>22 Management Policy?</p> <p>23 A Again, that's a company-by-company</p> <p>24 thing.</p> <p>25 For News Corporation itself, News</p>

<p style="text-align: right;">Page 330</p> <p>1 JORDAN LIPPNER</p> <p>2 Corp. people do. If it was The New York</p> <p>3 Post it would be somebody at The New York</p> <p>4 Post or multiple people. It's up to each</p> <p>5 company to designate people who are in</p> <p>6 charge of the records management.</p> <p>7 Q You see where it says "New York</p> <p>8 Post Travel and Entertainment Policy"?</p> <p>9 A I do.</p> <p>10 Q Is that a policy currently in</p> <p>11 effect?</p> <p>12 A It is.</p> <p>13 Q How long has it been in effect?</p> <p>14 A I couldn't tell you.</p> <p>15 Q Was it in effect during</p> <p>16 Ms. Guzman's employment as an associate</p> <p>17 editor?</p> <p>18 A Yes. Ms. Guzman was employed at</p> <p>19 The New York Post as an associate editor</p> <p>20 when The New York Post T &amp; E Policy was</p> <p>21 definitely in effect.</p> <p>22 Q Do you know who approved the Travel</p> <p>23 and Entertainment Policy before it went into</p> <p>24 effect?</p> <p>25 A No, I don't, but I can say that</p>	<p style="text-align: right;">Page 331</p> <p>1 JORDAN LIPPNER</p> <p>2 News Corporation had no role in its</p> <p>3 approval.</p> <p>4 Q Can you describe what The New York</p> <p>5 Post Travel and Entertainment Policy states,</p> <p>6 in substance?</p> <p>7 A In general terms, it speaks to what</p> <p>8 kind of expenses The Post will approve and</p> <p>9 procedures for submitting expenses and</p> <p>10 getting reimbursed by The Post for incurring</p> <p>11 expenses on the company's behalf in the</p> <p>12 course of performing one's job duties.</p> <p>13 Talks about acquiring certain kinds</p> <p>14 of documentation.</p> <p>15 It's a fairly detailed policy.</p> <p>16 Generally speaking, that's what it speaks</p> <p>17 to.</p> <p>18 Q Did you review The New York Post</p> <p>19 Travel and Entertainment Policy before it</p> <p>20 was put into effect?</p> <p>21 A I don't believe so.</p> <p>22 Q Did anyone at News America</p> <p>23 Incorporated review The New York Post Travel</p> <p>24 and Entertainment Policy before it became</p> <p>25 effective?</p>
<p style="text-align: right;">Page 332</p> <p>1 JORDAN LIPPNER</p> <p>2 A Not to my knowledge.</p> <p>3 Q And can you describe, going back to</p> <p>4 the prior policy, what News Corporation</p> <p>5 Records Management Policy states, in</p> <p>6 substance?</p> <p>7 A It provides time frames for how</p> <p>8 long different types of documents are to be</p> <p>9 kept and procedures following the expiration</p> <p>10 of such documents, of, you know, getting rid</p> <p>11 of them.</p> <p>12 Q Do you see, Mr. Lippner, where it</p> <p>13 says Standards of Business Conduct and there</p> <p>14 appears to be an asterisk there?</p> <p>15 A I do.</p> <p>16 Q Do you see where it says Electronic</p> <p>17 Communications Policy and it also appears to</p> <p>18 have an asterisk?</p> <p>19 A I do.</p> <p>20 Q You see where it says New York Post</p> <p>21 Code of Conduct and there is an asterisk?</p> <p>22 A I do.</p> <p>23 Q Do you know what that means?</p> <p>24 A I believe, according to this piece</p> <p>25 of paper, employees were supposed to sign a</p>	<p style="text-align: right;">Page 333</p> <p>1 JORDAN LIPPNER</p> <p>2 form that was attached to those three</p> <p>3 documents and return it to Human Resources.</p> <p>4 Q Do you know who in Human Resources</p> <p>5 would have had responsibility for collecting</p> <p>6 those forms from employees?</p> <p>7 A At The New York Post?</p> <p>8 Q Yes.</p> <p>9 A I don't know which Human Resources</p> <p>10 professional had that responsibility, no.</p> <p>11 Q I want to direct your attention to</p> <p>12 the next document listed, New York Post Code</p> <p>13 of Conduct.</p> <p>14 Do you see that?</p> <p>15 A I do.</p> <p>16 Q What is that particular document?</p> <p>17 A It's a -- I believe it's a one-page</p> <p>18 document that -- it's not all inclusive, but</p> <p>19 it purports to describe a bunch of different</p> <p>20 kinds of misconduct that an employee can</p> <p>21 engage in, and if that employee engages in</p> <p>22 such conduct, it's informing that employee</p> <p>23 that they will be subject to discipline.</p> <p>24 Q Is that the same one-page document</p> <p>25 that you testified earlier that was created</p>

<p style="text-align: right;">Page 334</p> <p>1 JORDAN LIPPNER</p> <p>2 for New York Post employees?</p> <p>3 A It's possible I was confusing the</p> <p>4 two. I certainly was starting to feel faint</p> <p>5 at that point in time. But I don't know.</p> <p>6 Because the other thing I was</p> <p>7 saying, too, is that I know that one of the</p> <p>8 other companies, FOX Television Stations,</p> <p>9 for example, I know that they have a</p> <p>10 stand-alone also and I don't know if I was</p> <p>11 confusing The Post with them or not.</p> <p>12 But FOX Television is one of my</p> <p>13 clients as well.</p> <p>14 Q So as you are sitting here now with</p> <p>15 your head clearing, I want you to tell us if</p> <p>16 The New York Post Code of Conduct is the</p> <p>17 one-page document that you were referring to</p> <p>18 earlier?</p> <p>19 A It may have been. You know, and if</p> <p>20 you would like I'm happy to provide you a</p> <p>21 supplemental interrogatory answer on that</p> <p>22 after tonight. I'm just not a hundred</p> <p>23 percent positive.</p> <p>24 MR. THOMPSON: Mr. Lerner, we</p> <p>25 don't believe that we have been given</p>	<p style="text-align: right;">Page 335</p> <p>1 JORDAN LIPPNER</p> <p>2 The New York Post Code of Conduct,</p> <p>3 the one-page document.</p> <p>4 If you have, can you just tell us</p> <p>5 the Bates Number so we can double-check.</p> <p>6 MR. LERNER: We have.</p> <p>7 MR. THOMPSON: That's fine.</p> <p>8 BY MR. THOMPSON:</p> <p>9 Q When did The New York Post Code of</p> <p>10 Conduct go into effect?</p> <p>11 A That I'm not entirely sure.</p> <p>12 The Post has a couple of different</p> <p>13 codes of conduct. I believe the one that's</p> <p>14 referenced on is this page is referring to</p> <p>15 one that's is given to employees who work in</p> <p>16 The New York Post offices at 1211.</p> <p>17 I know that the plant where The New</p> <p>18 York Post newspaper is actually produced,</p> <p>19 that there are a bunch of different codes of</p> <p>20 conduct depending on which union you are in.</p> <p>21 So -- and I know that they've</p> <p>22 evolved over time, so I'm not exactly sure</p> <p>23 when this particular one was created.</p> <p>24 Q How many different New York Post</p> <p>25 codes of conduct are there?</p>
<p style="text-align: right;">Page 336</p> <p>1 JORDAN LIPPNER</p> <p>2 A For the folks that are -- the</p> <p>3 employees at The Post that work at 1211, I</p> <p>4 think there's only one. But then for the</p> <p>5 employees who work up at the plant in</p> <p>6 The Bronx, there are a few different ones</p> <p>7 and it depends which union you are in which</p> <p>8 code of conduct applies to you.</p> <p>9 Q Do you know who approved The New</p> <p>10 York Post Code of Conduct before it was</p> <p>11 disseminated to employees?</p> <p>12 A I don't know for a fact as I sit</p> <p>13 here tonight. I know that it was developed</p> <p>14 by Human Resources at The New York Post.</p> <p>15 I believe it was given final</p> <p>16 signoff by Paul Carlucci, the publisher of</p> <p>17 The Post.</p> <p>18 And once that final signoff</p> <p>19 occurred, it was then put into use.</p> <p>20 Q Do you know if any lawyer at News</p> <p>21 Corporation played any role in the creation</p> <p>22 of The New York Post Code of Conduct?</p> <p>23 A I don't think any News Corporation</p> <p>24 lawyer played a role in the Code of Conduct.</p> <p>25 Q But do you know if any News</p>	<p style="text-align: right;">Page 337</p> <p>1 JORDAN LIPPNER</p> <p>2 Corporation employee played any role with</p> <p>3 respect to The New York Post Code of</p> <p>4 Conduct?</p> <p>5 A No News Corporation employee played</p> <p>6 a role with The New York Post Code of</p> <p>7 Conduct.</p> <p>8 Q How about any News America</p> <p>9 Incorporated employee?</p> <p>10 A Yes.</p> <p>11 Q Who was that person?</p> <p>12 A That would be me.</p> <p>13 Q What role did you play with respect</p> <p>14 to The New York Post Code of Conduct?</p> <p>15 A Well, I'm a lawyer and The Post is</p> <p>16 one of my clients, and I provided The Post</p> <p>17 with advice with respect to how the Code of</p> <p>18 Conduct was worded and what was listed</p> <p>19 there.</p> <p>20 Q Did you provide that advice to</p> <p>21 The New York Post during Ms. Guzman's</p> <p>22 employment?</p> <p>23 A I may have. I don't remember</p> <p>24 exactly when the Code of Conduct was</p> <p>25 implemented.</p>

<p style="text-align: right;">Page 342</p> <p>1 JORDAN LIPPNER</p> <p>2 when you drafted that policy?</p> <p>3 A No.</p> <p>4 Q Did anyone at News Corp. play any</p> <p>5 role in the creation or approval of the</p> <p>6 Family Medical Leave Policy that you</p> <p>7 created?</p> <p>8 A No.</p> <p>9 Q Was there ever any other versions</p> <p>10 of the Family Medical Leave Policy</p> <p>11 distributed to New York Post employees</p> <p>12 during your employment?</p> <p>13 A Not that I recall.</p> <p>14 Q So there's only one version of the</p> <p>15 Family Medical Leave Policy that you know of</p> <p>16 that's been distributed to The New York Post</p> <p>17 employees?</p> <p>18 A I believe that's correct.</p> <p>19 Q And is that policy still in effect?</p> <p>20 A I believe so.</p> <p>21 Q And does it still apply to current</p> <p>22 New York Post employees?</p> <p>23 A I would think so, yes.</p> <p>24 (Lippner Exhibit 13, Family</p> <p>25 and Medical Leave Policy, Bates</p>	<p style="text-align: right;">Page 343</p> <p>1 JORDAN LIPPNER</p> <p>2 Number NYP-87, was marked for</p> <p>3 Identification.)</p> <p>4 BY MR. THOMPSON:</p> <p>5 Q I'm now showing you what's been</p> <p>6 marked as Lippner Exhibit 13, Bates stamped</p> <p>7 NYP-87.</p> <p>8 It's been provided to us by New</p> <p>9 York Post in discovery.</p> <p>10 Take a moment to look at it and</p> <p>11 tell us if you recognize it.</p> <p>12 Is this a document you drafted</p> <p>13 for The New York Post employees?</p> <p>14 A It's the document I drafted for</p> <p>15 News America Incorporated and then I</p> <p>16 distributed it to, among other the wholly</p> <p>17 owned subsidiaries, The New York Post.</p> <p>18 Q Is this the Family and Medical</p> <p>19 Leave Policy that governs the employment of</p> <p>20 New York Post employees?</p> <p>21 A If this is the one they're still</p> <p>22 using, the answer is yes.</p> <p>23 Q Do you know if this particular</p> <p>24 Family Medical Leave Policy is still in</p> <p>25 effect or not?</p>
<p style="text-align: right;">Page 344</p> <p>1 JORDAN LIPPNER</p> <p>2 A I would have no reason to believe</p> <p>3 that it's not.</p> <p>4 Q So based on your belief that this</p> <p>5 policy is likely still in effect, are New</p> <p>6 York Post employees covered by this policy?</p> <p>7 MR. LERNER: Objection to form.</p> <p>8 A As I stated, if The Post is still</p> <p>9 using this policy, then this is the one that</p> <p>10 covers The New York Post employees.</p> <p>11 Q Well, is this the policy that you</p> <p>12 recall drafting?</p> <p>13 A It definitely is because it says</p> <p>14 "News America Incorporated" on it.</p> <p>15 The reason I'm just giving you a</p> <p>16 slight hesitation in my answer or caveat is</p> <p>17 that when I distributed it to the various</p> <p>18 wholly owned subsidiaries, my expectation</p> <p>19 was that they would use it but they would</p> <p>20 actually take off the name News America</p> <p>21 Incorporated and put, for example</p> <p>22 HarperCollins Publishers or New York Post or</p> <p>23 something else on it.</p> <p>24 Because News America Incorporated</p> <p>25 has nothing to do with whether or not a New</p>	<p style="text-align: right;">Page 345</p> <p>1 JORDAN LIPPNER</p> <p>2 York Post employee takes family medical</p> <p>3 leave and has nothing to do with the</p> <p>4 approval of that or the denial of that or</p> <p>5 the administration of it.</p> <p>6 So that's the only reason I'm</p> <p>7 giving you a hesitation.</p> <p>8 (Lippner Exhibit 14, New York</p> <p>9 Post document, Bates Number</p> <p>10 NYP-495, was marked for</p> <p>11 Identification.)</p> <p>12 BY MR. THOMPSON:</p> <p>13 Q Mr. Lippner, I'm now going to show</p> <p>14 you what is marked as Lippner Deposition</p> <p>15 Exhibit 14, Bates stamped NYP-495.</p> <p>16 It's a document that The New York</p> <p>17 Post produced in discovery in this case.</p> <p>18 Please take a moment to look at it and tell</p> <p>19 us if you recognize it.</p> <p>20 Do you recognize this document?</p> <p>21 A I don't.</p> <p>22 Q You see at the top says "New York</p> <p>23 Post," correct?</p> <p>24 A I do.</p> <p>25 Q And it says "This is to acknowledge</p>

Page 358

1 JORDAN LIPPNER  
 2 with her in connection with any revisions or  
 3 changes to the Electronic Communications  
 4 Policy after she became a News Corp. lawyer?  
 5 A When we did the second iteration, I  
 6 was mostly out of the loop. I don't recall  
 7 whether or not I may have read it before it  
 8 was finalized, but I was not involved in the  
 9 editing and drafting of it.  
 10 Q Who was involved in editing and  
 11 drafting of the second version of this  
 12 electronic --  
 13 A Ellen Agress.  
 14 Q Do you know if she was a News Corp.  
 15 attorney at the time?  
 16 A I believe she was.  
 17 Q Do you see the language in bold  
 18 that states "It is imperative and mandatory  
 19 that you sign the receipt page and return  
 20 that signed receipt page to your HR  
 21 representative for placement in your  
 22 personnel file"?  
 23 A I do.  
 24 Q So employees at The New York Post  
 25 were required to sign the receipt page

Page 360

1 JORDAN LIPPNER  
 2 Turn to the second page of this  
 3 document which is Bates stamped NYP-115.  
 4 A Sure.  
 5 Q Do you see where it says "News  
 6 Corporation and affiliated companies"?  
 7 A Yes.  
 8 Q And it says "October 1, 2002,  
 9 Electronic Communications Policy"?  
 10 A Yes, sir.  
 11 Q So is it your understanding that  
 12 when it states "News Corporation and  
 13 affiliated companies" that this Electronic  
 14 Communications Policy is a News Corporation  
 15 policy?  
 16 A No. It's my understanding that  
 17 this is a policy that applies to -- well, at  
 18 the time the company was technically called  
 19 News Corporation Limited and that it applied  
 20 to the News Corporation Limited as well as  
 21 all of its US subsidiaries and affiliates,  
 22 as it goes on to say in the first sentence  
 23 there. And then it lists a bunch of them  
 24 that it applied to in a nonexclusive list.  
 25 Q At one point News Corporation was

Page 359

1 JORDAN LIPPNER  
 2 acknowledging that they got a copy of this  
 3 Electronic Communications Policy, correct?  
 4 A Well, they were supposed to.  
 5 Q And it also goes on to say  
 6 "Violations of the policy may result in  
 7 disciplinary action up to and including  
 8 immediate discharge."  
 9 Do you see that?  
 10 A I don't. Can you tell me where  
 11 you're reading?  
 12 Q It's in the fourth paragraph.  
 13 A I do, okay. I see that.  
 14 Q Do you know who -- strike that.  
 15 Do you know who would make the  
 16 determination about whether disciplinary  
 17 action should be taken against an employee  
 18 who violated this policy?  
 19 A Well, if, for example, we're  
 20 speaking about a New York Post employee who  
 21 violated the policy, the decision-makers  
 22 would be New York Post employees.  
 23 We don't -- there is no  
 24 intercompany decision-making process.  
 25 Q Okay.

Page 361

1 JORDAN LIPPNER  
 2 called News Corporation Limited?  
 3 A Yes. Back when it was an  
 4 Australian corporation.  
 5 Q How long -- strike that.  
 6 Did there come a time when News  
 7 Corporation was no longer considered News  
 8 Corporation Limited?  
 9 A Yes.  
 10 Q When did that happen?  
 11 A I'm going to venture to say around  
 12 2004. It was approximately 2004.  
 13 The company -- News Corporation  
 14 Limited reincorporated as a US corporation  
 15 and eventually the name was changed to just  
 16 News Corporation.  
 17 Q If an employee saw another employee  
 18 using the electronic communications system  
 19 in an improper manner, could they complain  
 20 to Jan Constantine at the time?  
 21 MR. LERNER: Objection.  
 22 A I don't believe that that's --  
 23 before I answer it, let me take a look at  
 24 the policy.  
 25 Q Look at Page Bates stamp NYP-1154



Page 374

1 JORDAN LIPPNER

2 Q When she was a lawyer for News  
3 Corporation?

4 A Exactly.

5 Q Do you know if anyone in News  
6 Corporation approved this document before it  
7 was disseminated to New York Post employees?8 A No one at News Corporation  
9 disseminated this policy to New York Post  
10 employees.11 It was distributed to New York Post  
12 employees by The New York Post.13 Q But my question is: Do you know if  
14 there was any News Corp. employee who  
15 approved this document before it was  
16 disseminated to New York Post employees?17 A I don't know who at News  
18 Corporation would have given the final  
19 signoff, but I do know that Ellen Agress was  
20 heading up the revisions on it.21 Q What role did Ellen Agress play  
22 with respect to this particular version of  
23 News Corporation's Electronic Communications  
24 Policy?

25 A My recollection is she was the one

Page 375

1 JORDAN LIPPNER

2 who was streamlining the policy and making  
3 the changes to it.4 And as you can see, I believe it's  
5 shorter, more concise than the previous  
6 policy we had looked at, and I think that  
7 was one of the goals she had set out to edit  
8 it was to -- I think I had testified earlier  
9 today about cutting down duplication and  
10 there had been some duplication.11 Q Since Ms. Guzman worked as an  
12 associate editor for The Post in July 2006,  
13 was this Electronic Communications Policy  
14 applicable to her employment?15 A If The Post distributed to its  
16 employees, then yes.17 Q Do you know if The Post distributed  
18 this policy to its employees?19 A I don't. I know that The Post was  
20 supposed to have done so. I can't testify  
21 for sure that it did.22 Q Tell us as a 30(b)(6) witness for  
23 The New York Post what electronic  
24 communications policy applied to New York  
25 Post employees in 2006.

Page 376

1 JORDAN LIPPNER

2 A I believe it's this one.

3 But again, it would have been that  
4 Amy Saldone or somebody else at The New York  
5 Post distributed it to New York Post  
6 employees.7 No one at News Corporation took it  
8 upon themselves to distribute it to New York  
9 Post employees.10 Q As you sit here today as a 30(b)(6)  
11 witness for The New York Post, what  
12 electronic communications policy applies to  
13 current New York Post employees?

14 A I believe it's this one.

15 Q Now, Mr. Lippner, do you know if  
16 The New York Post and News Corp. used the  
17 same travel agency when employees had to  
18 travel for business at any point during your  
19 employment?20 A I believe for economies of scale,  
21 yes, News Corp. has arranged for a travel  
22 company -- one travel company where we get  
23 increased buying power because more people  
24 are using it through the different wholly  
25 owned subsidiaries, and I think it's called

Page 377

1 JORDAN LIPPNER

2 HRG Worldwide.

3 Q How long has HRG Worldwide been the  
4 travel company for News Corp. and The New  
5 York Post?6 A I don't know the answer to that  
7 question.8 Q Was it the travel company for the  
9 News Corp. and The New York Post when Sandra  
10 Guzman worked as an associate editor?

11 A I think so.

12 Q Do you know which entity, News  
13 Corp. or The New York Post -- strike that.14 Do you know which entity paid this  
15 travel agency for the services it performed  
16 for News Corp. and New York Post employees?

17 A Yes.

18 Q What entity paid?

19 A News Corp. pays for the travel of  
20 its employees, and The New York Post pays  
21 for the travel of its employees.22 Q So is it your testimony that News  
23 Corporation provides separate -- pays  
24 separate invoices from this travel agency  
25 than The New York Post?



Page 378

1 JORDAN LIPPNER  
 2 MR. LERNER: Objection.  
 3 A I'm not sure I understand the  
 4 question.  
 5 Q I'll rephrase it.  
 6 As you testified, there's one  
 7 travel agency that News Corp. employees and  
 8 The New York Post employees use, correct?  
 9 A I did.  
 10 Q Now my question to you is: Do you  
 11 know if that travel agency sends its bills  
 12 for its travel-related services to News  
 13 Corp. or The New York Post?  
 14 A It depends on what services we're  
 15 talking about.  
 16 If it's for services that were  
 17 provided to New York Post employees, then  
 18 The New York Post pays those bills.  
 19 If it was for services that News  
 20 Corporation employees were provided with,  
 21 then News Corporation pays those bills.  
 22 Q How do you know that The New York  
 23 Post pays this travel agency directly for  
 24 services provided for New York Post  
 25 employees?

Page 380

1 JORDAN LIPPNER  
 2 traveling.  
 3 Q I'm asking you as you sit here, do  
 4 you know for a fact that you've seen a bill  
 5 from this travel agency sent to News  
 6 Corporation?  
 7 A As I sit here, I can't a hundred  
 8 percent say yes.  
 9 Q So is it your testimony, then, when  
 10 you travel News Corporation pays the travel  
 11 agency for your travel?  
 12 A No. News America Incorporated  
 13 does.  
 14 Q I'm asking about News Corporation.  
 15 As you sit here today, have you ever seen a  
 16 bill from the travel agency sent to News  
 17 Corporation for any travel arrangement that  
 18 it arranged for News Corp. employees?  
 19 A No.  
 20 Q Who made the decision to use one  
 21 travel agency for News Corp. and The New  
 22 York Post employees?  
 23 MR. LERNER: Objection.  
 24 A I have no idea when or how the  
 25 arrangement originally started, but also as

Page 379

1 JORDAN LIPPNER  
 2 A I'm sorry. Can you repeat that?  
 3 Q Well, you said that The New York  
 4 Post pays the invoices it receives from this  
 5 travel agency for travel that it helped  
 6 arrange for New York Post employees,  
 7 correct?  
 8 A Uh-huh.  
 9 Q How do you know that?  
 10 A Because The New York Post maintains  
 11 a separate financial operation than News  
 12 Corporation.  
 13 New York Post operates as -- you  
 14 know, it's an independent company that  
 15 ultimately is wholly owned by News  
 16 Corporation. But The New York Post gets  
 17 bills for all of the expenses that it incurs  
 18 in the course of its operations and it pays  
 19 for those bills.  
 20 Q Have you ever seen a bill from this  
 21 travel agency sent to The New York Post?  
 22 A No.  
 23 Q Have you ever seen a bill from this  
 24 travel agency sent to News Corp.?  
 25 A I probably have for my own

Page 381

1 JORDAN LIPPNER  
 2 I testified earlier it's not just for  
 3 The New York Post but it's for a lot of  
 4 different companies that News Corporation  
 5 wholly owns.  
 6 Q Do you know who made the decision  
 7 to use this travel agency for any of News  
 8 Corporation's companies?  
 9 A I don't know who selected it.  
 10 (Lippner Exhibit 18, Travel  
 11 document, Bates Numbers NYP-3894  
 12 through NYP-3900, was marked for  
 13 Identification.)  
 14 Q Mr. Lippner, I'm showing you now  
 15 what's been marked as Lippner Deposition  
 16 Exhibit 18, NYP-3894 through 3900.  
 17 I'll represent to you this is a  
 18 document that was produced by New York Post  
 19 in discovery in this case.  
 20 Please take a moment to review it  
 21 and tell us if you recognize it.  
 22 MR. LERNER: There's some  
 23 handwritten notations on this  
 24 document.  
 25 I'd like to consult with my client

Page 382

1 JORDAN LIPPNER  
2 about them, make sure that I  
3 understand --  
4 MR. THOMPSON: Go ahead. Let's  
5 take a break. Sure.  
6 MR. LERNER: Very short break.  
7 MR. THOMPSON: Okay.  
8 THE VIDEOGRAPHER: The time is  
9 7:16 p.m. Off the record.  
10 (A brief recess was  
11 taken.)  
12 THE VIDEOGRAPHER: The time is  
13 7:27 p.m. We're on the record.  
14 BY MR. THOMPSON:  
15 Q Mr. Lippner, does News Corporation  
16 maintain a business bank account?  
17 A I don't understand the question.  
18 Q News Corporation, does it maintain  
19 a business bank account as a corporation?  
20 A It has its own bank account.  
21 Q Where, in what bank does News Corp.  
22 maintain its business bank account?  
23 A I don't know which bank it is.  
24 Q Does New York Post have a business  
25 bank account?

Page 384

1 JORDAN LIPPNER  
2 Q Mr. Lippner, is it your testimony  
3 that you have absolutely no idea --  
4 MR. LERNER: Objection. You  
5 are not going to harass and badger  
6 the witness with terms like "you have  
7 absolutely no idea" and as the  
8 30(b)(6) witness, which you have done  
9 repeatedly during the course of this  
10 deposition.  
11 If you have a question to ask him  
12 about the scope of his knowledge, please  
13 ask it to him in a professional and even  
14 manner.  
15 MR. THOMPSON: I asked you to  
16 lower your voice, Mr. Lippner. I  
17 know it's late, but just remain calm.  
18 MR. LERNER: My voice wasn't  
19 raised.  
20 MR. THOMPSON: State your  
21 objection. Don't raise your voice.  
22 MR. LERNER: My voice wasn't  
23 raised.  
24 Q Mr. Lippner, does News Corporation  
25 have a system in place for paying employees

Page 383

1 JORDAN LIPPNER  
2 A Yes.  
3 Q What bank does The New York Post  
4 maintain its business bank account?  
5 A I don't know the name of the bank.  
6 Q Mr. Lippner, as the 30(b)(6)  
7 witness for News Corp. and The New York  
8 Post, why don't you know where News Corp.  
9 maintains its business bank account?  
10 MR. LERNER: Objection.  
11 Your 30(b)(6) Deposition Notice  
12 states, on 4, if that's the one are focus  
13 on --  
14 MR. THOMPSON: No, I'm not.  
15 I'm focused on Item 1,  
16 Interrelatedness of the companies.  
17 MR. LERNER: How the operations  
18 of the companies are related.  
19 MR. THOMPSON: That's right and  
20 banking is part of the operations.  
21 MR. LERNER: I would disagree.  
22 MR. THOMPSON: You can disagree  
23 all you want. It's clear in terms of  
24 the Dep Notice.  
25 BY MR. THOMPSON:

Page 385

1 JORDAN LIPPNER  
2 their salaries?  
3 MR. LERNER: Objection.  
4 A News Corporation pays its employees  
5 salaries.  
6 I'm not -- I don't really  
7 understand the question.  
8 Q Let me ask it differently.  
9 How does News Corporation go about  
10 paying salaries of its employees?  
11 MR. LERNER: Objection.  
12 A It issues paychecks from its  
13 Payroll Department.  
14 Q Do you know or are you guessing?  
15 A I'm telling you that there's a  
16 Payroll Department and Payroll Department  
17 pays paychecks.  
18 I'm not really sure what you are  
19 asking me.  
20 Q Do you know if News Corp. pays  
21 employees their salaries by making direct  
22 deposit to an employee's bank account?  
23 A If an employee signs up for direct  
24 deposit.  
25 Q What company does News Corp. use to

Page 386

Page 387

JORDAN LIPPNER

make the direct deposit payments to employees' bank accounts?

A I don't understand the question.

Q Well, do you know if News Corp. makes direct deposit payments to employees when they pay them their salary?

A What I know is that a company called ADP is used.

Q Okay.

A And people will get either hard copy paychecks or they will get direct deposit paychecks if they have signed up for direct deposit.

Q And do you know if this company ADP also makes -- strike that.

Do you know if The New York Post also uses ADP to pay its employees their salaries?

A I believe that The New York Post does use ADP.

Q How long has News Corp. and The New York Post both used ADP to pay employees their salaries?

A I don't know the answer to that

JORDAN LIPPNER

question.

Q When did News Corp. first start using ADP to start paying its employees their salaries?

A I don't know the answer to that question.

Q When did The New York Post first start using ADP to pay its employees their salaries?

A I don't know the answer to that question.

Q Who made the decision to use ADP to pay the salaries of News Corp. employees?

MR. LERNER: Objection.

A I don't know specifically who, but I can tell you it would have been a News Corporation employee. And likewise, I can tell you that when The New York Post decided to go with ADP, it would have been The New York Post making that decision.

Q I want you to identify The New York Post employee who made the decision to use ADP to pay The New York Post salaries.

A I can't.

Page 388

Page 389

JORDAN LIPPNER

Q Well, do you know if there's one individual at ADP who is responsible for paying the salaries to News Corp. and salaries to New York Post employees?

MR. LERNER: Objection.

A No, I don't.

Q Do News Corp. and The New York Post -- strike that.

Do you know if News Corp. and The New York Post use any companies in common with respect to health benefits given to their employees?

A Yes.

Q What companies do News Corp. and The Post share in common with respect to employee health benefits?

A News America Incorporated has on behalf of News Corporation, News America Incorporated, FOX Television -- I believe FOX Television, I'm pretty sure it's FOX Television, HarperCollins Publishers, News America Marketing -- there may be others -- has gone out and purchased health insurance plans using the economy of scale for

JORDAN LIPPNER

bringing in the purchasing power of all of the employees of all these wholly owned subs to lower the costs of getting health insurance for everybody.

And that News America Incorporated purchases and sets up these plans, and then they are then available for the different subsidiaries, and in one case the parent company, to participate either exactly as News America Incorporated has set it up for its own employees or to modify the plan. You know, whether it's tweaking what the plan offers or adjusting what the rates are for the employee to participate and purchase that health insurance.

But that what's done, so there's a couple health insurance plans that News America Incorporated has purchased. In these schemes that I've discussed I think there's a United Healthcare plan.

There may be more but that's generally how it works.

Q So is it your understanding, Mr. Lippner, that News Corp. employees and

Page 390

JORDAN LIPPNER

New York Post employees share the same healthcare company with respect to some of their benefits?

A I believe that Aetna plans and United Healthcare plans are available to News Corp. employees, to News America employees, HarperCollins employees, yes.

Q How long have News Corp. and New York Post employees been allowed to use the same health plans, as far as you know?

A News America Incorporated has been purchasing on behalf of others, meaning other companies that are wholly owned by News Corp., for many years.

Definitely dating back to the time when your clients were employed.

And again, it's up to each individual company if they just want to participate in the same way that News America Incorporated does or if they want to alter the plan and set it up for themselves.

Q Do you know if News Corp. employees share the same life insurance company with New York Post employees?

Page 391

JORDAN LIPPNER

MR. LERNER: Objection.

A I don't.

Q Now, when Ms. Guzman worked at the company, did News Corp. employees and New York Post employees also share the same healthcare plans with Aetna and United Healthcare?

A Well, again, I'm not sure what you mean when you say "share."

You know, these are plans that exist that Aetna offers to millions of people.

News America Incorporated has purchased plans that offer, for example, News America Incorporated employees a handful of choices, different choices of benefits at different costs, and News America Incorporated for its employees, which includes me, sets the rates of participation.

The New York Post can choose to take that exact plan and offer it to its people, it can modify it if it wants to and it can change the rates.

Page 392

JORDAN LIPPNER

And that structure has been going on for years.

Q Was that structure in place before Ms. Guzman started working as an associate editor?

A I can't say for sure that it was in place before she started. I believe -- I'm not exactly positive when it began. I know that it definitely was in place while she was employed.

Q Is that structure still in place to this day?

A Yes.

Q Do you know who made the decision to have News America Incorporated purchase these health benefit plans for News Corp. and its subsidiaries?

MR. LERNER: Object to form.

A I don't -- I believe that decision was made before I started. And assuming I'm correct about that, that would actually answer your prior question which means it did start before your client started.

But again, it was a decision that

Page 393

JORDAN LIPPNER

was based on economies of scale, that the buying power for lots and lots of employers would lower the cost for everybody.

And that's why it was done as opposed to just letting each individual wholly owned subsidiary fend for itself and purchase on the phone health insurance which would have in the end cost each individual company more money, cost all the employees more money, and in the end put a drain on the whole company going up to News Corporation as a whole.

Q I want to now direct your attention to Deposition Exhibit 18.

A Yes, sir.

Q Do you see where it says Section 2, Designated Agency?

A I do.

Q It says "All employees are required to use the News Travel online booking system or, as a second choice, the corporate travel agents listed blow to handle all business travel arrangements."

Do you see that?